E/2005/22
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE THIRTY-SECOND AND THIRTY-THIRD SESSIONS

(26 April-14 May 2004, 8-26 November 2004)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 2005

SUPPLEMENT No. 2

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/2005/22
E/C.12/2004/9

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ABBREVIATIONS

AIDS	acquired immunodeficiency syndrome
FAO	Food and Agriculture Organization of the United Nations
GNP	gross national product
HIV	human immunodeficiency virus
ILO	International Labour Office International Labour Organization
IMF	International Monetary Fund
Roster	Roster of organizations that do not have general or special consultative status*
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
WIPO	World Intellectual Property Organization
World Bank	International Bank for Reconstruction and Development
WTO	World Trade Organization

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* In conformity with Economic and Social Council resolution 1996/31 of 25 July 1996, these are organizations "that the Council, or the Secretary-General, in consultation with the Council or its Committee on Non-Governmental Organizations, considers can make occasional and useful contributions to the work of the Council or its subsidiary bodies or other United Nations bodies within their competence … This list may also include organizations in consultative status or a similar relationship with a specialized agency or a United Nations body. These organizations shall be available for consultation at the request of the Council or its subsidiary bodies. The fact that an organization is on the Roster shall not in itself be regarded as a qualification for general or special consultative status should an organization seek such status".

CHAPTER I

Organizational and other matters

A. States parties to the Covenant

1. As of 26 November 2004, the closing date of the thirty-third session of the Committee on Economic, Social and Cultural Rights, 151 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which had been adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant and the status of submission of their reports are contained in annex I to the present report.

B. Sessions and agenda

2. The Committee, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation.

3. In 2004, the Committee held its thirty-second session from 26 April to 14 May, and its thirty-third session from 8 to 26 November. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

4. An account of the Committee's deliberations at its thirty-second and thirty-third sessions is contained in the relevant summary records (E/C.12/2004/SR.1-29 and E/C.12/2004/SR.30-56, respectively).

C. Membership and attendance

5. All members of the Committee, except Mr. Kenneth Osborne Rattray, attended the thirty-second session. (For a list of members of the Committee, see annex II below.) All members of the Committee, except Mr. Kenneth Osborne Rattray attended the thirty-third session.

6. The following specialized agencies and United Nations organs were invited to be represented by observers at the thirty-second and thirty-third sessions: FAO, ILO, IMF, UNAIDS, UNCTAD, UNDP, UNFPA, UNEP, UNESCO, UNHCR, UNICEF, WHO, WIPO, World Bank and WTO.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

At the thirty-second session:

General consultative status: Franciscans International

Special consultative status: American Association of Jurists, Center for Economic and Social Rights, Centre on Housing Rights and Evictions, Habitat International Coalition, International Centre for Human Rights and Democratic Development (Rights and Democracy), International Commission of Jurists, International Federation of Human Rights Leagues, International Organization for the Development of Freedom of Education, Oxfam GB, World Organization Against Torture;

Roster: American Association for the Advancement of Science, FIAN-Foodfirst Information and Action Network.

At the thirty-third session:

Special consultative status: American Association of Jurists, Center for Reproductive Rights, Centre on Housing Rights and Evictions, Corporation for the Development of Women (La Morada), Habitat International Coalition, International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, Women's International League for Peace and Freedom, World Organization Against Torture;

Roster: American Association for the Advancement of Science, FIAN-Foodfirst Information and Action Network.

8. The following national and international non-governmental organizations were represented by observers at the thirty-second and thirty-third sessions: Associazione Studi Giuridici Immigrazione (Italy), Campagna "Via Adda non si cancella" (Via Adda must not be cancelled) (Italy), Comitato di sostegno di Torino alla Campagna "Via Adda non si cancella" (Supporting Committee for the Campaign of Turin) (Italy), Comitato per la Promozione e Protezione dei Diritti Umani (Italy), Consejo de los Tierras (Chile), Consiglio di via Adda (Council of via Adda) (Italy), Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales (Switzerland), Danish Institute for Human Rights, Documentation and Advisory Center on Racial Discrimination (Denmark), Federación Nacional de Campesinos Libres del Ecuador, Greek Helsinki Monitor, Human Rights Center of Azerbaijan, Institute of Peace and Democracy (Azerbaijan), International Alliance of Inhabitants, International Volunteers for Development (Italy), International Women's Human Rights Law Clinic (The City University of New York School of Law), International Network for Economic, Social and Cultural Rights (United States of America), International Women's Rights

Action Watch (United States of America), Istituto Internazionale Scienze Mediche Antropologiche e Sociali (Italy), Liaison Group of the Latin American Committee for the Defence of Women's Rights in Chile, Mapuche Temulemu Community (Chile), Medici Senza Frontiere (Italy), Observatori DESC (Spain), Observatory of Linguistic Rights, Behatokia (Spain), Organización Mapuche MELI WIXAN MAPU (Chile), Social Innovation Fund (Lithuania), 3D-Trade-Human-Rights-Equitable Economy, Unione Inquilini (Italy), Verdi di Como (Italy) and Women's Issues Information Centre (Lithuania).

D. Pre-sessional working group

9. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

10. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the thirty-fourth session:

Mr. Dumitru CEAUSU

Mr. Abdessatar GRISSA

Mr. Giorgio MALINVERNI

Mr. Jaime MARCHÁN ROMERO

Mr. Waleed M. SADI

Prior to the thirty-fifth session:

Mr. Clément ATANGANA

Ms. Rocío BARAHONA-RIERA

Ms. Virginia BONOAN-DANDAN

Ms. Maria Virginia BRAS GOMES

Mr. Yuri KOLOSOV

11. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 29 November to 3 December 2004. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned. The pre-sessional working group designated for the thirty-fifth session will hold its meetings from 16 to 20 May 2005.

E. Officers of the Committee

12. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

Chairperson:	Ms. Virginia BONOAN-DANDAN
Vice-Chairpersons:	Mr. Azzouz KERDOUN Mr. Jaime MARCHÁN ROMERO Mr. Eibe RIEDEL
Rapporteur:	Mr. Dumitru CEAUSU

F. Organization of work

Thirty-second session

13. The Committee considered its organization of work at its 1st meeting on 26 April 2004. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the thirty-second session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2004/L.1);

(*b*) Reports of the Committee on the work of its previous sessions:* first (E/1987/28-E/C.12/1987/5), second (E/1988/14-E/C.12/1988/4), third (E/1989/22-E/C.12/1989/5), fourth (E/1990/23-E/C.12/1990/3 and Corr.1), fifth (E/1991/23-E/C.12/1990/8 and Corr.1), sixth (E/1992/23-E/C.12/1991/4 and Add.1), seventh (E/1993/22-E/C.12/1992/2), eighth and ninth (E/1994/23-E/C.12/1993/19), tenth and eleventh (E/1995/22-E/C.12/1994/20 and Corr.1), twelfth and thirteenth (E/1996/22-E/C.12/1995/18), fourteenth and fifteenth (E/1997/22-E/C.12/1996/6), sixteenth and seventeenth (E/1998/22-E/C.12/1997/10), eighteenth and nineteenth (E/1999/22-E/C.12/1998/26), twentieth and twenty-first (E/2000/22-E/C.12/1999/11 and Corr.1), twenty-second, twenty-third and twenty-fourth sessions (E/2001/22-E/C.12/2000/21), twenty-fifth, twenty-sixth and twenty-seventh sessions (E/2002/22-E/C.12/2001/17), twenty-eighth and twenty-ninth (E/2003/22-E/C.12/2002/13), and thirtieth and thirty-first sessions (E/2004/22-E/C.12/2003/14).

14. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the draft programme of work for its thirty-second session and approved it, as amended during consideration (E/C.12/2004/3).

Thirty-third session

15. The Committee considered its organization of work at its 30th meeting on 8 November 2004. In connection with this item, the Committee had before it the following documents:

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* Published as *Official Records of the Economic and Social Council.*

(*a*) Draft programme of work for the thirty-third session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2004/L.2);

(*b*) Reports of the Committee on the work of its previous sessions (see paragraph 13 (*b*) above).

16. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the draft programme of work for its thirty-third session and approved it, as amended during consideration.

G. Next sessions

17. In accordance with the established schedule, the thirty-fourth and thirty-fifth sessions would take place from 25 April to 13 May and from 7 to 25 November 2005, respectively.

II. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

18. In accordance with rule 61, paragraph 2, of the rules of procedure of the Committee, the reports submitted by States parties under article 16 of the Covenant are scheduled for consideration in the order in which they have been received by the Secretary-General. The Committee, at its 30th meeting, on 8 November 2004, decided to consider the reports of the following States parties at its thirty-fourth session:

Initial reports

China	E/1990/5/Add.59
Zambia	E/1990/5/Add.60
Serbia and Montenegro	E/1990/5/Add.61

Fourth periodic reports

Norway	E/C.12/4/Add.14

19. In addition to the reports listed in paragraph 18 above, the Committee received as at 26 November 2004, closing date of the thirty-third session, the following reports which were tentatively scheduled for consideration at its upcoming sessions:

Thirty-fifth session (7-25 November 2005)

Slovenia	Initial report	E/1990/5/Add.62
Austria	Third periodic report	E/1994/104/Add.28
Uzbekistan	Initial report	E/1990/5/Add.63
Monaco	Ditto	E/1990/5/Add.64
Libyan Arab Jamahiriya	Second periodic report	E/1990/6/Add.38

CHAPTER II

Overview of the present working methods of the Committee

20. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

21. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods that adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 33 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

22. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines[1] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

23. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

24. The principal purpose of the working group is to identify in advance the questions that will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[2]

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[1] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

[2] Ibid., *1998, Supplement No .4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

25. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

26. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the working group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

27. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the country files.

28. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

29. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Consideration of the report

30. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States should be present at the meetings of the Committee when their reports are examined in order to ensure a constructive

dialogue with the Committee. The following procedure is generally used: the representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report by clusters of articles (usually 1-5, 6-9, 10-12, 13-15), taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (*a*) raise issues outside the scope of the Covenant; (*b*) repeat questions already posed or answered; (*c*) add unduly to an already long list on a particular issue; or (*d*) speak more than five minutes in any one intervention. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

31. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period in closed session, immediately after the conclusion of the dialogue, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

32. The concluding observations, once formally adopted, are usually made public on the final day of the session. As soon as they are made public - at 6 p.m. on the closing day of the session - they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information that it provides to the Committee.

33. In general, the Committee devotes three meetings (of three hours each) to its public examination of States parties' reports. In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Comments by States parties on the concluding observations

34. Once the Committee has adopted its concluding observations on the report of a State party, and if the latter submits any comments thereon to the Committee, these are made public, as submitted, as Committee documents and mentioned in the annual report. Comments from States parties are only published for information purposes.

4. Postponement of the consideration of reports

35. Last-minute requests by States to postpone the consideration of a report that has been scheduled for examination at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

C. Follow-up procedure in relation to the consideration of reports

36. At its twenty-first session,[3] the Committee decided that:

(*a*) In all concluding observations, the Committee would request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(*c*) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(*d*) Any information provided in accordance with (*b*) and (*c*) above would be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) In general, the working group could recommend that the Committee take one of the following measures:

- (i) That the Committee take note of such information;
- (ii) That the Committee adopt specific additional concluding observations in response to that information;
- (iii) That the matter be pursued through a request for further information; or
- (iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(*f*) If the information requested in accordance with (*b*) and (*c*) is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

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[3] On 1 December 1999 (53rd meeting).

37. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

38. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services, to be provided by the Office of the High Commissioner.

39. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned does not accept the proposed mission, the Committee will consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

40. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

41. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

42. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very significantly overdue on the basis of the length of time involved;

(*b*) To notify such State party that the Committee intends to consider the situation with respect to that country at one of its succeeding sessions;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

E. Action by the Committee on information on economic, social and cultural rights received from sources other than the States parties

1. Information provided in connection with consideration by the Committee of a State party report

43. The Committee also takes into account the information provided to it by sources other than the State party in connection with its consideration of a State party's report. That information, being an integral part of the Committee's constructive dialogue with a State party, is made available by the secretariat to the State party concerned in advance of the Committee's consideration of the report of that State party.[4]

2. Information received following consideration by the Committee of a State party report and adoption of concluding observations

44. On various occasions in the past, the Committee has received information, mainly from non-governmental organizations, after consideration of the State party's report and adoption of concluding observations thereon. In fact this was follow-up information on the Committee's conclusions and recommendations. Not being in a position to consider and act upon such information without reopening its dialogue with a State party (except in cases specifically addressed in concluding observations), the Committee will consider and act upon the information received from sources other than a State party only in cases where such information has been specifically requested in its concluding observations.

45. The Committee considers that, following its consideration of the State party report and adoption of concluding observations, the primary responsibility for their implementation lies with the national Government, which is bound to report on measures taken in this respect to the Committee in its next periodic report. Therefore, the Committee recommends that information referred to in the preceding paragraph be submitted by authors directly to national competent authorities with a view to assisting them in implementing the Committee's concluding observations.

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[4] See *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V: "Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights".

3. Information provided with respect to non-reporting States parties

46. The Committee has also been receiving information from both international and national non-governmental organizations on the status of implementation of economic, social and cultural rights by:

(*a*) States parties that have not submitted any report at all since ratification of the International Covenant on Economic, Social and Cultural Rights and its entry into force;

(*b*) States parties with long overdue periodic reports.

47. In both cases the failure of the State party to comply with its obligations under the Covenant, and in particular with their reporting obligations, had made it impossible for the Committee to monitor effectively the implementation by those States of the economic, social and cultural rights set forth in the Covenant in accordance with the mandate conferred to the Committee by the Economic and Social Council.

48. At its thirtieth session, held from 5 to 23 May 2003, the Committee, in the spirit of open and constructive dialogue with States parties, decided that in both cases referred to above, it might take, on a case-by-case basis, the following action:

(*a*) The Committee might informally bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay;

(*b*) The Committee might formally - through a letter from the Chairperson - bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay. The Committee might formally request the State party to provide it with information addressing issues raised in non-governmental organizations' submissions and to submit its overdue report without further delay. That letter would also be made available to the non-governmental organizations concerned upon request.

F. Day of general discussion

49. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is threefold: such a general discussion assists the Committee in developing in greater depth its understanding of the relevant issues; it enables the Committee to encourage inputs into its work from all interested parties, and helps to lay the basis for a future general comment. The issues that have been the focus of discussions held to date by the Committee may be found in annex VI to the present report.

G. Other consultations

50. The Committee has sought to coordinate its work with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations bodies, both in its work as a whole and, more particularly, in the

context of its general discussions. It has also consistently invited individuals such as special rapporteurs of the Commission on Human Rights and of the Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Commission working groups and others to address it and engage in discussions.

51. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added to its understanding of some aspects of the questions arising under the Covenant.

H. Participation of non-governmental organizations in the work of the Committee

52. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it.[4] They may do this in writing at any time prior to the consideration of a given State party's report. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organization, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: *(a)* focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; *(b)* be of direct relevance to matters under consideration by the Committee; *(c)* be credible; *(d)* not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

53. The Committee has requested the secretariat to ensure that any written information formally submitted to it by non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

I. General comments*

54. By the end of its thirty-third session (26 November 2004), the Committee and the sessional working group of governmental experts, which existed prior to the creation of the Committee, had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 125 comprehensive reports. This work covered a significant number of the States parties to the Covenant, which totalled 151 at the end of the thirty-third session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far have illustrated many of the problems that might arise in implementing the Covenant.

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* For the list of general comments adopted to date by the Committee, see annex IV below.

55. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the Covenant, in particular with a view to assisting the States parties in fulfilling their obligations under the Covenant.

56. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports, available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

57. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights of the Covenant.[5] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues, to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly, of reasonable length and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

J. Statements adopted by the Committee

58. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Covenant. As at 26 November 2004, the Committee had adopted 15 statements, a list of which appears in annex V to the present report.

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[5] *Official Records of the Economic and Social Council, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

CHAPTER III

Submission of reports by States parties under articles 16 and 17 of the Covenant

59. In accordance with rule 58 of its rules of procedure, the Committee, at its 30th meeting on 8 November 2004, considered the status of submission of reports under articles 16 and 17 of the Covenant.

60. In that connection, the Committee had before it the following documents:

(*a*) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(*b*) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 15 June 2004 (E/C.12/2004/7);

(*c*) Note by the secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/2003/3).

61. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its thirty-third session (see paragraph 63 below), he had received, as at 26 November 2004, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial reports of China (E/1990/5/Add.59), Zambia (E/1990/5/Add.60), Serbia and Montenegro (E/1990/5/Add.61), Slovenia (E/1990/5/Add.62), Uzbekistan (E/1990/5/Add.63), Monaco (E/1990/5/Add.64), Bosnia and Herzegovina (E/1990/5/Add.65) and Liechtenstein (E/1990/5/Add.66); second periodic report of the Libyan Arab Jamahiriya (E/1990/6/Add.38); third periodic reports of Austria (E/1994/104/Add.28) and Morocco (E/1994/104/Add.29); and fourth periodic reports of Norway (E/C.12/4/Add.14) and Canada (E/C.12/4/Add.15).

62. At its thirty-second session the Committee decided to schedule for consideration in 2005 the status of implementation of the Covenant by San Marino - a non-reporting State. The Covenant entered into force for San Marino on 18 January 1986.

CHAPTER IV

Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

63. At its thirty-second session, the Committee examined the following reports submitted by five States parties under articles 16 and 17 of the Covenant:

Initial reports

Lithuania	E/1990/5/Add.55
Greece	E/1990/5/Add.56
Kuwait	E/1990/5/Add.57

Second periodic reports

Ecuador	E/1990/6/Add.36

Fourth periodic reports

Spain	E/C.12/4/Add.11

64. At its thirty-third session, the Committee considered the following reports submitted by five States parties under articles 16 and 17 of the Covenant.

Initial reports

Malta	E/1990/5/Add.58

Second periodic reports

Azerbaijan	E/1990/6/Add.37

Third periodic reports

Chile	E/1994/104/Add.26

Fourth periodic reports

Denmark	E/C.12/4/Add.12
Italy	E/C.12/4/Add.13

65. In accordance with rule 62 of the Committee's rules of procedure, representatives of all States submitting a report were invited to participate in the meetings of the Committee at which their reports were considered. All States parties whose reports were considered by the Committee sent representatives to participate in the consideration of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex VII to the present report.

66. At its eighth session, the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report.

Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its thirty-second and thirty-third sessions. In accordance with established practice within the Committee, members participate in neither the drawing up nor the adoption of concluding observations on their own country's report.

Thirty-second session

LITHUANIA

67. The Committee considered the initial report of Lithuania on the implementation of the Covenant (E/1990/5/Add.55) at its 3rd to 5th meetings, held on 27 and 28 April 2004, and at its 29th meeting, held on 14 May, made public the following concluding observations.

A. Introduction

68. The Committee welcomes the initial report of the State party, which was prepared in conformity with the Committee's guidelines and the comprehensive written replies to the list of issues (E/C.12/Q/LITH/1/Rev.1). The Committee also welcomes the frank and constructive dialogue with the high-level delegation of the State party, which included experts in the different areas covered by the Covenant.

B. Positive aspects

69. The Committee welcomes the ongoing reform of the legal system in the State party, and notes with appreciation the entry into force in the last years of a number of new laws to bring it into conformity with international human rights standards: the Civil Code of July 2001, the Code on Civil Procedure of January 2003, the Labour Code of January 2003, and the entry into force in May 2003 of the new Criminal Code, the Code on Criminal Procedure and the Code on Enforcement of Punishments.

70. The Committee notes with appreciation that various national programmes have been adopted to strengthen the protection of human rights, notably the development of a National Action Plan for the Protection and Promotion of Human Rights, which covers a wide range of human rights, including economic, social and cultural rights.

71. The Committee welcomes the establishment of the Parliamentary Ombudsmen (1994), the Ombudsman for Equal Opportunities (1999) and the Ombudsman for the Rights of the Child (2000). It also welcomes the Law on State-Guaranteed Legal Aid of March 2000, which entitles disadvantaged persons to free legal aid in criminal, civil and administrative cases.

72. The Committee welcomes the recent decision by the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

C. Factors and difficulties impeding the implementation of the Covenant

73. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Lithuania.

D. Principal subjects of concern

74. Despite the constitutional provision (third part of article 138) stipulating the primacy of international law and that the Covenant may be invoked before domestic courts, the Committee regrets the lack of information on specific decisions of domestic courts where reference had been made to the Covenant and its provisions, which indicates a lack of knowledge among the population about the Covenant and the possibility of invoking it directly before the courts.

75. While noting the ongoing efforts to improve the living conditions of the Roma community under the Programme for the Integration of the Roma into Lithuanian Society 2000-2004, the Committee remains concerned that the Roma community continues to suffer from problems of integration and discriminatory practices in the fields of housing, health, employment and education.

76. The Committee expresses its concern that, despite the various measures taken to improve the situation of women, including the National Programme of Equal Opportunities for Women and Men for 2003-2004, women continue to be in a disadvantaged position in society, notably with regard to employment and equal pay for work of equal value and participation in decision-making.

77. The Committee is concerned that unemployment rates remain high, with significant regional disparities. It also notes with concern the rise in long-term unemployment and the large share of young people below 25 among the unemployed.

78. The Committee regrets the lack of information on the integration of people with disabilities in the labour market and expresses its concern that the incentives for employing people with disabilities are limited.

79. The Committee notes with concern the low level of the minimum wage, which is inadequate to provide workers with a decent living for themselves and their families, and the lack of a system of indexation and regular adjustment of the minimum wage to the cost of living.

80. The Committee is deeply concerned about the increase in the number of occupational accidents in the State party since 2001.

81. While noting that the Labour Code of January 2003 has addressed some of the weaknesses of previous legislation regulating the right to strike, the Committee is concerned that the definition of "essential services" for which strikes are prohibited is too broad.

82. The Committee expresses its concern that basic pensions are insufficient to ensure an adequate standard of living. The absence of a system of indexing basic pensions to the consumer price index and to the minimum subsistence level is also a cause of concern.

83. The Committee notes with concern the low level of unemployment benefits and that these benefits were only granted to 11.5 per cent of all unemployed persons in 2002 owing to strict eligibility conditions.

84. The Committee is concerned about the unequal distribution of social benefits and social services depending on the place of residence.

85. The Committee notes with concern that trafficking in women and children continues to be a problem in the State party, which is a country of origin and transit, in spite of the existence of the Programme for the Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004 and the fact that the new Criminal Code provides for criminal liability for a number of trafficking-related crimes, including trade in people (art. 147), profiting from another person's prostitution (art. 307), and procuring for prostitution (art. 308). Moreover, the Committee regrets that the lack of information on the number of people trafficked does not give an accurate picture of the extent of the problem.

86. The Committee is concerned about the high number of persons who are reported missing in the State party.

87. The Committee is concerned about the high incidence of domestic violence and the lack of shelters for battered women. The Committee is also concerned that victims of domestic violence are not adequately protected under existing legislation.

88. The Committee is concerned about the problem of street children in the State party as well as the lack of information about children placed in institutions.

89. The Committee is concerned about the situation in rural areas of the State party where, as reported in the State party's written replies to the list of issues, lack of agricultural reforms has left nearly a quarter of the Lithuanian population with no economic prospects or hope.

90. The Committee is concerned about the problem of homelessness in the State party and regrets that no official data on the number of homeless people in Lithuania are available.

91. The Committee is concerned about the lack of sufficient and suitable housing in the State party as well as the acute shortage of social housing.

92. The Committee is concerned about the high suicide rate in the State party, particularly among the rural population.

93. The Committee is concerned about the high mortality rate due to alcohol and tobacco abuse, particularly among men.

94. The Committee is concerned that the number of young women (aged 19 years and under) who have abortions is increasing, and regrets that the State party has not furnished any information on reproductive health.

95. The Committee is concerned about the dropout rates among schoolchildren.

E. Suggestions and recommendations

96. The Committee recommends that the State party take measures to raise awareness of the Covenant and of the possibility of invoking its provisions before the courts among the public at large and the judiciary.

97. The Committee requests the State party to provide it, in its second periodic report, with detailed information on the enjoyment of economic, social and cultural rights of the Roma, including an assessment, with the participation of representatives of the Roma community, of the impact of the Programme for the Integration of the Roma into Lithuanian Society 2000-2004, as well as with information on measures taken under the second phase of the programme for the period 2005-2010.

98. The Committee recommends that the State party continue to strengthen its efforts to enhance the status of women, including through extending the National Programme of Equal Opportunities for Women and Men and other adequate measures, and report, in its next periodic report, on the progress made in this regard.

99. The Committee urges the State party to continue and strengthen its efforts to combat unemployment in the context of the Programme for Increasing Employment in the Republic of Lithuania for 2001-2004, targeting, on a priority basis, the most affected regions and the disadvantaged and marginalized groups.

100. The Committee recommends that the State party take effective measures under the National Programme for the Social Integration of the Disabled for 2003-2012 to promote the integration of people with disabilities into the labour market, including through providing incentives to employers and strengthening the system of job quotas for people with disabilities.

101. The Committee urges the State party to work towards ensuring that the minimum wage is sufficient to provide workers and their families with a decent standard of living. Moreover, the State party should introduce a mechanism to index and adjust the minimum wage to the cost of living on a regular basis.

102. The Committee urges the State party to take effective measures to prevent occupational accidents, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.

103. The Committee requests the State party to provide detailed information on the restrictions placed on the right to strike under the Labour Code and on the functioning of the tripartite councils in the collective bargaining process, including with regard to those "essential services" for which strikes are prohibited.

104. The Committee urges the State party to put in place a system of indexing the level of basic pensions reflecting changes in the cost of living, and to ensure that basic pensions are sufficient to provide for an adequate standard of living. The Committee encourages the State party to proceed with its plans to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security and to consider ratifying ILO Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

105. The Committee recommends that the State party increase the coverage and amount of unemployment benefits, so as to ensure that they are sufficient to secure an adequate standard of living and further loosen the eligibility conditions.

106. The Committee urges the State party to promote equal access to social benefits and social services by striving to correct regional imbalances.

107. The Committee recommends that the State party reinforce measures under the Programme for the Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004, including by strengthening international cooperation in these areas. The State party should also ensure that victims of trafficking have access to crisis centres where they can receive assistance. The Committee also recommends that the State party provide in its second periodic report detailed information on the measures taken to combat trafficking and commercial sexual exploitation of women and children as well as comparative statistical data indicating the extent of the problem.

108. The Committee recommends that the State party provide in its next periodic report information on action taken to address the problem of missing persons.

109. The Committee calls upon the State party to intensify its efforts to combat domestic violence. In particular, the Committee encourages the State party to consider enacting specific legislation criminalizing domestic violence and affording effective protection to victims. The State party should also take effective measures to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

110. The Committee urges the State party to combat the phenomenon of street children as a matter of priority. In this regard, the State party should take effective measures to address the root causes of neglect, abuse and abandonment, particularly through increased assistance to families with children. It also requests the State party to provide in its second periodic report detailed information and up-to-date comparative statistics on this issue.

111. The Committee calls upon the State party to strengthen programmes aimed at improving living conditions in rural areas. It also recommends that the State party develop a mechanism to measure and monitor levels of poverty and provide in its second periodic report disaggregated and comparative data on the number of people living below the poverty line. In this respect, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6]

112. The Committee also encourages the State party to undertake a study of the problem of homelessness so that it may acquire a more accurate picture of the problem and its root causes.

113. The Committee urges the State party to adopt nationwide policies in order to ensure that families have adequate housing facilities and amenities and that adequate resources are allocated for social housing, particularly for low-income families and the disadvantaged and marginalized groups. In this regard, it draws the State party's attention to the Committee's general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant).

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[6] *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22-E/C.12/2001/17), annex VII.

114. The Committee recommends that the State party undertake a study of the root causes of suicide in the State party and strengthen its efforts under the State Programme for Suicide Prevention to reduce the suicide rate.

115. The Committee recommends that the State party ensure the effective implementation of programmes to combat tobacco smoking and alcoholism, and to report back to the Committee on this issue in its next periodic report.

116. The Committee calls upon the State party to strengthen its efforts to promote awareness of sexual and reproductive health, safe contraceptive methods and the health risk of using abortion as a method of birth control, and to report on measures taken in this regard and the results thereof in its next periodic report.

117. The Committee requests the State party to provide in its next periodic report disaggregated and comparative data on enrolment and dropout rates among schoolchildren. It refers the State party to the Committee's general comment No. 13 (1999) on the right to education (article 13 of the Covenant) for guidance on how to prepare the information for the report.

118. The Committee encourages the State party to give consideration to the establishment of an independent national human rights institution in accordance with the Paris Principles[7] with a mandate covering economic, social and cultural rights.

119. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, and in particular among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion of the report at the national level prior to the submission of its second periodic report.

120. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2009.

GREECE

121. The Committee on Economic, Social and Cultural Rights considered the initial report of Greece on the implementation of the Covenant (E/1990/5/Add.56) at its 6th to 8th meetings, held on 28 and 29 April 2004, and at its 29th meeting, held on 14 May, made public the following concluding observations.

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[7] Principles relating to the status of national institutions for the promotion and protection of human rights (see General Assembly resolution 48/134 of 20 December 1993, annex).

A. Introduction

122. The Committee welcomes the submission of the initial report of Greece, which was in general prepared in conformity with the Committee's guidelines. However, the Committee regrets its late submission and the lack of comparative and disaggregated data in the report concerning the status of implementation of some of the Covenant's provisions.

123. The Committee notes with appreciation the State party's comprehensive written replies to its list of issues (E/C.12/Q/GRC/1), as well as the constructive dialogue with the delegation, which included a number of representatives from different ministries with expertise on the subjects relevant to the provisions of the Covenant.

B. Positive aspects

124. The Committee notes with appreciation that, in accordance with article 28, paragraph 1, of the Greek Constitution, the Covenant takes precedence over any contrary provision of the domestic law and that the Constitution, as revised in 2001, guarantees a wide range of social rights.

125. The Committee commends the State party for establishing, in 1998, the National Commission for Human Rights, in accordance with the Paris Principles,[7] as well as the Office of the Greek Ombudsman, whose powers cover the field of economic, social and cultural rights and include the investigation of individual complaints.

126. The Committee welcomes the recent legislative amendments to ban discrimination, in particular gender-based discrimination, in the employment sector, including the abolition of quotas restricting access by women to police schools or a recent Presidential decree placing the burden of proof on the employer if an employee complains about discriminatory practices.

127. The Committee welcomes the adoption of the National Action Plan for Social Inclusion (2003-2005), which provides, inter alia, for financial support of low-income families, rent subsidies and interest-free loans for the purchase of houses.

128. The Committee notes with satisfaction that the State party adopted the Integrated Action Plan for the Social Integration of Greek Roma (2001-2008), which aims at improving the housing situation of the Greek Roma and their enhanced access to basic health services, i.e. through the development of new, and the improvement of existing, settlements, the establishment of socio-medical centres in these settlements and the deployment of mobile health units to encampments of the itinerant Roma population, especially in remote areas. The Committee also welcomes the implementation, since 2002, of a programme of housing loans for the Roma, under which some 4,700 grants of 60,000 euros each have been granted to applicants.

C. Factors and difficulties impeding the implementation of the Covenant

129. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Greece.

D. Principal subjects of concern

130. The Committee is concerned that there is only one officially recognized minority in Greece, whereas there are other ethnic groups seeking that status.

131. While acknowledging the State party's efforts to promote the social integration of Greek Roma, the Committee remains deeply concerned about the persistent discrimination against Roma people in the fields of housing, health and education. It is particularly concerned about reported instances of police violence against Roma, sweeping arrests, and arbitrary raids of Roma settlements by the police.

132. The Committee notes with concern that economic, social and cultural rights normally also guaranteed to non-citizens, such as the right to non-discrimination or the right to free education, are reserved to Greek citizens under the State party's Constitution.

133. While appreciating the measures taken by the State party to ensure a legal framework to promote gender equality, the Committee is concerned that women are still underrepresented at the decision-making level in the political, economic and academic fields.

134. The Committee is concerned about the high unemployment rate, especially affecting women and young persons in rural areas.

135. The Committee is concerned that low income persons, the Roma, and documented and undocumented immigrants and their families may not have access to social services.

136. While noting that the State party has established the National Observatory on Violence against Women, as well as two reception centres for victims of domestic violence in Athens and Piraeus, the Committee expresses its concern about the high incidence of domestic violence and marital rape, which often remain unreported for cultural reasons and the economic dependency of wives on their husbands.

137. The Committee notes with concern that physical and sexual abuse of children seems to occur at a relatively high rate.

138. The Committee expresses its concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation, and who are often deported to their countries of origin rather than being granted a residence permit, reportedly in an expeditious manner and without the necessary procedural safeguards.

139. The Committee is concerned that, according to information received, an alleged approximate number of 5,800 children below the minimum working age of 15 years illegally work in the streets.

140. The Committee regrets the lack of statistical data on poverty and the absence of a poverty line in Greece, which does not enable the State party to define the extent of poverty and to monitor and evaluate progress in alleviating poverty.

141. The Committee is gravely concerned about numerous reports on the extrajudicial demolition of dwellings and forced evictions of Roma from their settlements by municipal authorities, often under the pretext of construction projects for the 2004 Olympic Games, and frequently without payment of adequate compensation or provision of alternative housing.

142. The Committee is deeply concerned that many Roma reportedly live in sub-standard conditions, as their settlements often lack access to running water, electricity, sanitation and other essential services.

143. The Committee regrets the absence of statistical data on the extent of homelessness in the State party's report.

144. While noting the State party's efforts to provide basic preventive and mental health services to the population of remote areas, the Committee regrets that it did not receive adequate information from the State party on the frequency of deployment of, or the number of persons serviced by, the mobile health units servicing itinerant Roma or the mobile mental health units providing basic psychological services to persons living in remote areas.

145. The Committee notes with concern that the State party has one of the highest tobacco and alcohol consumption rates in Europe, in particular, among minors.

146. The Committee regrets that the State party did not provide sufficient information on health indicators or related national benchmarks against which the State party's achievements in specific areas of health could be measured.

147. The Committee regrets the lack of information on the results of the State party's vaccination campaigns and other preventive measures to combat hepatitis B and C.

148. The Committee is concerned that a high percentage of Roma and Turkish-speaking children are not enrolled in school, or drop out at a very early stage of their schooling. While it is possible to receive bilingual instruction in Turkish and Greek at the two Muslim minority secondary schools in Thrace, the Committee notes with concern that no such possibility exists at the primary level or outside Thrace, and that members of other linguistic groups have no possibility of learning their mother tongue at school.

149. The Committee regrets the lack of information on measures taken by the State party to preserve, protect and promote minority languages and cultures.

E. Suggestions and recommendations

150. The Committee recommends that the State party promote awareness of the individual entitlements under the Covenant and of the justiciable elements of all rights contained therein as defined in the Committee's general comments, among members of the legal professions, in particular judges and attorneys, as well as among the general public.

151. The Committee urges the State party to reconsider its position with regard to the recognition of other ethnic, religious or linguistic minorities which may exist within its territory in accordance with recognized international standards, and invites it to ratify the Framework Convention for the Protection of National Minorities, adopted in 1995 by the Council of Europe.

152. The Committee urges the State party to investigate reported instances of police violence against the Roma and alleged arbitrary raids of Roma settlements, and to bring perpetrators to justice. It further recommends that the State party continue its efforts to train police officers on international human rights standards and to raise awareness of the dimensions of discrimination against the Roma among local authorities.

153. The Committee recommends that the State party harmonize its relevant constitutional provisions with its obligation to guarantee that the Covenant rights will be exercised without discrimination, based on the prohibited grounds as enshrined in the Covenant.

154. The Committee encourages the State party to take effective measures to increase the level of representation of women at all decision-making levels.

155. The State party is requested to include in its next periodic report updated statistical data on employment, disaggregated by age, gender, and urban/rural region, as well as information on the measures adopted to remedy disparities in regional unemployment rates.

156. The Committee urges the State party to ensure access of disadvantaged and marginalized persons and families to individual as well as collective social services. In this regard, the Committee requests the State party to provide, in its next periodic report, disaggregated data on the use of these services, so as to enable the Committee to assess what percentage of the population effectively has access to and uses these services.

157. The Committee urges the State party to proceed with the adoption of its draft legislation criminalizing domestic violence and marital rape by introducing specific provisions into the Criminal Code, to strengthen its assistance to victims of domestic violence and marital rape, for example, by creating more guest houses and reception centres, to sensitize law enforcement and medical personnel, as well as the public at large, to the criminal nature of such acts, and to collect updated statistical data on the number of victims, perpetrators, convictions and the types of sanctions imposed, for inclusion in the State party's second periodic report.

158. The Committee recommends that the State party remedy the lack of social workers with a view to improving its assistance to children suffering from physical and sexual abuse, and include in its next periodic report updated statistical data on the number of victims, perpetrators, convictions and the types of sanctions imposed.

159. The Committee urges the State party to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons, particularly when such victims are children. The State party should also continue and intensify its cooperation with neighbouring countries in combating trafficking in persons, provide medical, psychological and legal support to such victims, and include detailed information on these measures in its second periodic report.

160. The Committee recommends that, in compliance with article 10 of the Covenant, the State party institute criminal proceedings and take other effective measures against parents or other persons who may be exploiting children below the minimum working age of 15 years illegally working in the streets. The State party should also take measures to ensure regular school attendance by these children, as provided for by article 13 of the Covenant.

161. The Committee requests the State party to include in its second periodic report updated statistical data on the extent of poverty in Greece and draws the State party's attention to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6]

162. The Committee urges the State party to ensure that forced evictions are carried out in accordance with the guidelines defined in the Committee's general comment No. 7 (1997), on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions, and that those affected have a right to adequate compensation for the loss of any property, both personal and real, and are provided with adequate alternative housing meeting their specific cultural needs.

163. The State party is also requested to provide, in its second periodic report, detailed information on the number of Roma evicted from their homes, especially in the context of the 2004 Olympic Games, and on any measures taken to remedy illegal acts which may have occurred in that regard.

164. The Committee urges the State party to take measures towards providing for all the Roma, including itinerant and non-Greek Roma, adequate and affordable housing with legal security of tenure, access to safe drinking water, adequate sanitation, electricity and other essential services, and meeting their specific cultural needs. The Committee recommends that the State party ensure the participation of Roma representatives in the assessment of the Integrated Action Plan for the Social Integration of Greek Roma and that it include, in its second periodic report, information on the practical effects of the implementation of the Plan, as well as its applicability to non-Greek Roma legally residing within the State party's territory.

165. The Committee requests the State party to address the problem of homelessness, to provide information on the progress achieved in that regard, and to include updated statistical data on the number of homeless people in Greece, disaggregated by gender, age, ethnicity and urban/rural area, in its next report.

166. The Committee requests the State party to provide in its next report adequate information on the frequency of deployment of, and the number of persons serviced by, the mobile health units servicing itinerant Roma, and the mobile mental health units providing basic psychological services to persons living in remote areas.

167. The Committee recommends that the State party strictly enforce the prohibition of smoking in public areas and of the sale of strong alcoholic beverages to minors, adopt effective measures against "subtle" forms of tobacco and alcohol advertisement, in addition to existing restrictions, and intensify its efforts in the field of anti-smoking education and information campaigns.

168. The Committee invites the State party to identify disaggregated indicators on the right to health and appropriate national benchmarks in relation to such indicators, in accordance with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant), and to inform the Committee on the process of identifying such indicators and benchmarks in its second periodic report.

169. The State party is requested to provide information on the results of the State party's vaccination campaigns and other preventive measures to combat hepatitis B and C, and to include the relevant data in its second periodic report.

170. The Committee urges the State party to take effective measures to increase school attendance by Roma and Turkish-speaking children, including at the secondary level, to ensure, to the extent possible, that children belonging to minority linguistic groups have an opportunity to learn their mother tongue, including regional dialects, at school, and to ensure an adequate staffing with teachers specialized in multicultural education.

171. The State party is requested to include in its next periodic report information on measures taken to preserve, protect and promote minority languages and cultures, which should not be limited to the Muslim minority in Thrace.

172. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

173. The Committee further requests the State party to submit its second periodic report by 30 June 2009.

KUWAIT

174. The Committee considered the initial report of Kuwait on the implementation of the Covenant (E/1990/5/Add.57) at its 9th to 11th meetings, held on 30 April and 3 May 2004, and made public, at its 29th meeting, held on 14 May, the following concluding observations.

A. Introduction

175. The Committee welcomes the submission of the initial report of the State party, which was in general prepared in conformity with the Committee's guidelines. However, the information provided was not sufficient for the Committee to fully assess developments in the status of implementation of most of the Covenant's provisions. In particular, the Committee regrets the lack of comparative and disaggregated statistical data and the lack of written replies to its list of issues (E/C.12/Q/KUW/1/Rev.1).

176. The Committee welcomes the constructive dialogue with the high-level delegation of the State party, which included experts in the different areas covered by the Covenant. The Committee regrets that a number of questions were not answered to its satisfaction.

B. Positive aspects

177. The Committee notes with appreciation the wide coverage of free health care in the State party.

178. The Committee welcomes the State party's efforts in the field of education, and in particular the high enrolment rates of girls and women at all levels of education.

179. The Committee welcomes and would like to accept the invitation extended to it by the State party's delegation to visit Kuwait with a view to assisting the State party in implementing its obligations under the Covenant, in the light of these concluding observations.

C. Factors and difficulties impeding the implementation of the Covenant

180. The Committee takes note of the consequences of the war with Iraq in 1991 which have affected the full enjoyment of economic, social and cultural rights.

D. Principal subjects of concern

181. The Committee is concerned, as other human rights treaty bodies, about the lack of clarity regarding the primacy of the Covenant over conflicting or contradictory national laws, and its direct applicability and justiciability in national courts. In this regard, the Committee notes that there is no case law in Kuwait on the application of the Covenant.

182. The Committee notes with concern the reservations and declarations that the State party has made in respect of the provisions of articles 2, paragraph 2, 3, 8, paragraph 1 (*d*) and 9 of the Covenant.

183. The Committee notes the absence of a comprehensive national plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.[8]

184. While noting the existence, within the National Assembly, of the Committee for the Defence of Human Rights, the Committee expresses its concern about the lack of an independent national human rights institution in accordance with the Paris Principles.[7]

185. The Committee on Economic, Social and Cultural Rights is concerned about the continuing discrimination against the "*Bidun*" due to the fact that they are denied the possibility of becoming Kuwaiti nationals by the State party.

186. The Committee is concerned about discrimination against migrant workers in the field of economic, social and cultural rights.

187. Despite the various measures taken by the State party to improve the situation of women, the Committee is concerned about the persistence of de jure and de facto discrimination against women, particularly with regard to their participation in the political decision-making process, especially in the Parliament, as well as in their enjoyment of economic, social and cultural rights.

188. The Committee notes with concern the absence of a minimum wage in the private sector. It is also concerned that the minimum wage in the public sector is not applicable to non-Kuwaiti citizens.

189. The Committee is deeply concerned about the unfair terms of employment and working conditions of migrant workers.

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[8] Adopted at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

190. The Committee is also deeply concerned about the situation of domestic workers, in particular migrant workers who are excluded from the application of the Labour Code. These workers are subjected to conditions not dissimilar to forced labour, are insufficiently remunerated and are often unable to benefit from their right to rest. They are also sometimes deprived of their freedom of movement because their passports are held by their employers.

191. The Committee notes with concern the limitations with regard to the right to join trade unions for non-national workers, and about the restrictive legal limitations on the right to strike.

192. While noting that Kuwait has a sound social insurance scheme, the Committee is concerned that it does not cover work accidents and occupational diseases.

193. The Committee is concerned that non-Kuwaiti workers in Kuwait are excluded from the social insurance scheme.

194. The Committee is concerned about the rising incidence of trafficking in persons, especially women and children, including for the purpose of domestic work.

195. The Committee is equally concerned about the insufficient information submitted by the State party on children born out of wedlock, and remains unclear about their legal status.

196. The Committee takes note with concern of the statement made by the delegation of the State party that abortion is allowed only when the life of the mother is endangered. The Committee is also concerned about the lack of a comprehensive sexual and reproductive health programme in the State party.

197. The Committee is concerned about the lack of statistical information on the incidence of sexually transmitted diseases, such as HIV/AIDS, in the State party.

198. The Committee is concerned that ages for admission and completion of free compulsory primary to intermediate education have not been clearly set.

199. The Committee is concerned that the State party does not provide free compulsory education to non-Kuwaiti children as a right enshrined in the Covenant.

E. Suggestions and recommendations

200. The Committee urges the State party to ensure that economic, social and cultural rights are incorporated into domestic legislation and made justiciable. The Committee points out that, irrespective of the system whereby international law is incorporated in the domestic legal order, following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in its domestic legal order. In this respect, it draws the attention of the State party to the Committee's general comment No. 9 (1998) on domestic application of the Covenant.

201. The Committee encourages the State party to consider withdrawing reservations and declarations entered upon the ratification of the Covenant in the light of the fact that they negate the core purposes and objectives of the Covenant.

202. The Committee recommends that the State party prepare, in accordance with paragraph 71 of the Vienna Declaration and Programme of Action, a comprehensive national human rights plan of action, incorporating the Covenant's provisions and taking into account the observations made by the Committee. The Committee requests the State party to annex a copy of the national human rights plan of action to its second periodic report, and to explain how the plan of action promotes and protects economic, social and cultural rights.

203. The Committee recommends that the State party establish an independent national human rights institution, in conformity with the Paris Principles. It also recommends that the mandate of such an institution include economic, social and cultural rights. In this regard, the Committee recommends that the State party seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights.

204. The Committee recommends that the State party ensure that all persons in its territory, including the "*Bidun*", enjoy economic, social and cultural rights enshrined in the Covenant and expedite their acquisition of Kuwaiti nationality when possible. Furthermore, the Committee requests that the State party provide it with detailed information on the situation of the "*Bidun*" in its next periodic report.

205. The Committee recommends that the State party provide the same treatment to migrant workers as to Kuwaiti citizens. It further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

206. The Committee urges the State party to continue to take all necessary measures to grant women the right to vote. The Committee also urges that the State party harmonize its domestic legislation with the principles and provisions of the Covenant with regard to the law on personal status and the Civil Code so as to abolish differences with regard to rights and responsibilities between women and men and to achieve full gender equality.

207. The Committee urges the State party to establish a minimum wage in the private sector that will enable workers and their families, especially non-Kuwaiti citizens, to enjoy a decent standard of living. The Committee also recommends that the minimum wage in the public sector should apply without discrimination to both Kuwaiti and non-Kuwaiti citizens. The Committee recommends that the State party ratify ILO Convention No. 131 (1970) concerning Minimum Wage Fixing, with Special Reference to Developing Countries.

208. The Committee urges the State party to take effective measures to improve the terms of employment and the working conditions of migrant workers, inter alia, by strengthening the financial and human resources of the labour inspectorate in order to ensure that employers who fail to observe the terms of employment and the safety regulations are sanctioned. The Committee recommends that the State party ratify ILO Conventions Nos. 122 (1964) concerning Employment Policy and 174 (1993) concerning the Prevention of Major Industrial Accidents.

209. The Committee urges the State party to take all possible steps to ensure that the Labour Code is adopted and implemented without further delay.

210. The Committee recommends that the State party include the subject of domestic workers in the Labour Code and undertake all the necessary measures to eliminate practices amounting to forced labour. The Committee also recommends that those who violate labour legislation be sanctioned and that the victims of such violations be compensated.

211. The Committee strongly recommends that the State party liberalize the limitations on the right to strike and extend the right to join trade unions to all workers, including migrant workers, in line with article 8 of the Covenant.

212. The Committee encourages the State party to extend social insurance to cover work accidents and occupational diseases.

213. The Committee urges the State party to continue to carry out studies and undertake measures to ensure that social insurance benefits are accorded to non-Kuwaiti workers so that they are put on a fair and equal footing with Kuwaiti workers with regard to the right to social security. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

214. The Committee recommends that the State party take effective measures to combat trafficking in persons, especially in women and children, by ensuring, inter alia, that those responsible for trafficking are prosecuted, and to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee recommends that the State party establish support services for victims of trafficking and take steps to sensitize law enforcement officials and the general public to the gravity of this issue. The Committee requests the State party in its next periodic report to report on the progress made in this regard.

215. The Committee urges the State party to ensure that all children, including children born out of wedlock, are granted the same rights. The Committee requests the State party to provide in its next periodic report detailed information on the status of children born out of wedlock.

216. The Committee recommends that the State party's legislation on abortion include other motives for performing legal abortion with a view to preventing illegal abortion. The Committee also recommends that the State party develop a comprehensive sexual and reproductive health programme and report back to the Committee on this issue in its next periodic report.

217. The Committee recommends that the State party provide in its next periodic report information on the incidence of sexually transmitted diseases in the State party.

218. The Committee recommends that the State party set ages for admission to, and completion of, free compulsory primary to intermediate education. In this regard, it refers the State party to the Committee's general comments Nos. 11 (1999) on plans of action for primary education (article 14 of the Covenant) and 13 (1999) on the right to education (article 13 of the Covenant).

219. The Committee urges the State party to adopt the necessary measures to ensure that non-Kuwaiti children living in Kuwait have access to free compulsory education as a right enshrined in the Covenant. In this regard, the Committee recommends that the State party provide in its next periodic report disaggregated data.

220. The Committee also recommends that the State party improve human rights education and training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant among the judiciary, the legislature and other actors responsible for the implementation of the Covenant.

221. The Committee requests the State party to disseminate the present concluding observations widely at all levels of the society and, in particular, among State officials, the judiciary and the legislature and to inform the Committee, in its next periodic report, of all steps taken to implement them.

222. The Committee also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its second periodic report.

223. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2009.

SPAIN

224. The Committee considered the fourth periodic report of Spain on the implementation of the Covenant (E/C.12/4/Add.11) at its 12th to 14th meetings, held on 3 and 4 May 2004, and made public, at its 29th meeting, held on 14 May, the following concluding observations.

A. Introduction

225. The Committee welcomes the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines. It also appreciates the comprehensive written replies to the list of issues (E/C.12/Q/ESP/2) and the additional written material made available to it during the dialogue.

226. The Committee welcomes the open and constructive dialogue with the high-level delegation of the State party, which included experts in the various areas covered by the Covenant.

B. Positive aspects

227. The Committee welcomes the adoption and implementation of a number of measures aimed at strengthening the protection of economic, social and cultural rights in the State party, including the Plan for the Equality of Opportunities between Women and Men (2003-2006), the creation of the General Secretariat for Equal Opportunities Policy, the establishment of the Ministry of Housing, the establishment within the Ministry of Labour and Social Affairs of a new office to address the issues of migrant workers and the adoption of the Second National Plan of Action for Social Inclusion (2003-2005), which includes, inter alia, initiatives to improve the situation of Roma (Gypsy) populations.

228. The Committee notes with appreciation the measures taken to combat domestic violence. In particular, it welcomes the enactment of Act No. 27/2003 of 31 July 2003, regulating protection orders and providing for various forms of assistance to victims of domestic violence, and the setting up of a committee to monitor the implementation of the Act.

C. Factors and difficulties impeding the implementation of the Covenant

229. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Spain.

D. Principal subjects of concern

230. While noting that undocumented immigrants residing in the State party enjoy a number of fundamental rights and freedoms, including the right to basic social services, health care and education, on the condition that they register with their local municipality, the Committee remains concerned about the precarious situation of the large number of those undocumented immigrants who only enjoy a limited protection of their economic, social and cultural rights.

231. The Committee is concerned that the rise in the number of immigrants arriving in the State party over the last years has been accompanied by negative and hostile attitudes towards foreigners and the occurrence of xenophobic incidents.

232. The Committee is concerned that, in spite of the existence of a range of programmes at the national and regional levels aimed at improving the situation of the Roma (Gypsy) population, including the Second National Plan of Action for Social Inclusion (2003-2005) and the Gypsy Development Programme, the Roma remain in a vulnerable and marginalized situation in the State party, especially with regard to employment, housing, health and education.

233. While the Committee takes note of the State party's commitment to raising the level of official development assistance from the current 0.25 per cent of GNP to 0.5 per cent by 2008, it expresses concern that the level of development assistance still falls short of the United Nations target of 0.7 per cent of GNP.

234. While appreciating the measures taken by the State party to promote gender equality, notably under the Plan for the Equality of Opportunities between Women and Men (2003-2006), the Committee remains concerned about the persistent gender inequalities in the State party, particularly with regard to women's participation in decision-making and in the labour market.

235. The Committee is concerned that the level of unemployment remains high (11.3 per cent), particularly among young people and women (15.7 per cent as compared to 8.1 per cent among men). The high rate of long-term unemployment, particularly affecting persons above the age of 40, unemployment among the Roma, well above the national average, and significant regional disparities in unemployment, ranging from 5.23 per cent in Navarra to 20.19 per cent in Andalucía (data for 2002), are also causes of concern.

236. The Committee is concerned about the precarious situation of the large number of persons employed under short-term temporary contracts (around 30 per cent of the total number of wage earners).

237. The Committee is concerned about the high number of occupational accidents in the State party, and that the number of accidents has increased by more than 50 per cent between 1996 and 2002. It notes that the incidence of occupational accidents is highest among workers on temporary contracts.

238. The Committee expresses concern about the vulnerable situation of domestic workers, a majority of whom are immigrants.

239. The Committee expresses concern about the lack of sufficient information on the problem of trafficking of persons to the State party for sexual exploitation and on the measures taken in this respect by it.

240. While recognizing the measures taken to combat domestic violence in the State party, the Committee expresses its concern about the rising number of fatal cases of domestic violence and of the persistent high number of complaints lodged by women for ill-treatment at the hands of their spouses or partners.

241. The Committee notes with concern reported incidences where unaccompanied minors arriving in the State party have not been afforded adequate assistance and protection.

242. While noting that the National Plan of Action for Social Inclusion aims at combating poverty and at integrating the most disadvantaged and marginalized groups into society as a whole, the Committee regrets the lack of data on the number and condition of persons living in poverty in the State party.

243. The Committee is concerned about the growing problem of homelessness in the State party, as described in its fourth periodic report (E/C.12/4/Add.11, para. 386), and of people affected by forced evictions.

244. The Committee is concerned about the deteriorating conditions of housing in the State party, as described in its periodic report (ibid., para. 388), and about the lack of social housing.

245. The Committee is concerned about the high abortion rate among adolescent women aged between 15 and 19 years (13.89 per cent in 2001).

246. The Committee is concerned about the high rate of drug and alcohol abuse and tobacco smoking in the State party, particularly among young persons.

E. Suggestions and recommendations

247. The Committee urges the State party to take measures to ensure the effective protection of fundamental economic, social and cultural rights of all persons residing within its territory, in accordance with article 2, paragraph 2, of the Covenant. It further encourages the State party to promote the legalization of undocumented immigrants so as to enable them to enjoy fully their economic, social and cultural rights.

248. The Committee recommends that the State party continue to monitor closely and to combat incidences of racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society.

249. The Committee encourages the State party to continue and strengthen its efforts to address the situation of the Roma population, increasing at the same time the involvement of Roma associations in the planning and implementation of such programmes. The Committee requests the State party, in its next periodic report, to provide information on the difficulties encountered in implementing these programmes and on the progress achieved therein. The Committee also requests in this respect additional information on the coordination and sharing of competencies and management responsibilities, between the different levels of administration (State, Autonomous Communities and local administration).

250. The Committee encourages the State party to increase gradually the level of its official development assistance to reach the United Nations target of 0.7 per cent of GNP and to ensure that its international cooperation contributes to the realization of the rights recognized in the Covenant.

251. The Committee recommends that the State party take measures to ensure the effective implementation of the Plan for the Equality of Opportunities between Women and Men (2003-2006) and report on the progress made in this regard in its next periodic report.

252. The Committee recommends that the State party continue strengthening programmes to reduce unemployment, targeting the most affected regions and groups. It also recommends that the State party take further measures to make it easier for women to reconcile work and family life. The Committee encourages, in this regard, the State party to improve childcare facilities for children under the age of 3.

253. The Committee urges the State party to reinforce measures to reduce the proportion of workers on temporary contracts, including strengthening incentives for employers to offer their employees open-ended contracts.

254. The Committee urges the State party to take effective measures to prevent accidents in the workplace, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.

255. The Committee urges the State party to take effective measures to improve the protection of domestic workers, so as to bring the rights and benefits afforded to domestic workers in line with those afforded to other workers.

256. The Committee requests that the State party provide, in its fifth periodic report, detailed information on the problem of trafficking and commercial sexual exploitation of persons in the State party and on measures taken to tackle these problems.

257. The Committee recommends that the State party intensify its efforts to combat domestic violence and requests information on achievements and difficulties encountered in the implementation of Act No. 27/2003 regulating protection orders for victims of domestic violence.

258. The Committee requests the State party to provide information on the results of the experimental programmes designed to prevent, detect and allow action to be taken in situations of child abuse which are being implemented jointly by the Ministry of Labour and Social Affairs and the Autonomous Communities.

259. While noting the explanation of the State party that the problem of unaccompanied minors has been solved by a Memorandum of Understanding between the State party and Morocco, the Committee requests the State party to provide more information on this matter in its next periodic report.

260. The Committee calls upon the State party to strengthen its efforts to combat poverty and social exclusion and to develop a mechanism for measuring the poverty level and to monitor it closely. In this respect, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6] The Committee requests that the State party provide, in its next periodic report, disaggregated and comparative data on the number of people living in poverty and on progress made in reducing the incidence of poverty.

261. The Committee calls upon the State party to strengthen its efforts under the National Plan of Action for Social Inclusion to provide assistance to homeless persons and to undertake a study on the problem of homelessness so as to acquire a more accurate picture of the problem and its root causes. It also requests the State party to provide disaggregated and comparative data on the number of people affected by forced evictions, and to ensure that any forced evictions carried out comply with the guidelines set out in the Committee's general comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions.

262. The Committee recommends that the State party take remedial action to improve the conditions of housing and provide more housing units, housing facilities, credits and subsidies to low-income families and disadvantaged and marginalized groups, in line with the Committee's general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant).

263. The Committee recommends that the State party monitor closely the incidence of abortions among adolescent women and adopt necessary measures, legislative or otherwise, to address this problem, including by intensifying specific programmes on sexual and reproductive health among adolescent women, and provide information on this subject of concern in its next periodic report.

264. The Committee recommends that the State party ensure the effective implementation of programmes to prevent drug consumption, tobacco smoking and alcoholism, and to report back to the Committee on this issue in its next periodic report.

265. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, and in particular, among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.

266. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.

ECUADOR

267. The Committee considered the second periodic report of Ecuador on the implementation of the Covenant (E/1990/6/Add.36) at its 15th to 17th meetings, held on 5 and 6 May 2004, and made public, at its 29th meeting held on 14 May, the following concluding observations.

A. Introduction

268. The Committee welcomes the submission of the second periodic report of the State party, which was in general prepared in conformity with the Committee's guidelines. The Committee regrets, however, the late submission of the written replies to the list of issues (E/C.12/Q/EQU/1), which impeded its availability in the other working languages of the Committee.

269. The Committee welcomes the open and constructive dialogue with the members of the high-level delegation of the State party.

B. Positive aspects

270. The Committee notes with appreciation that the new Constitution of Ecuador, adopted in 1998, declares that the State party is a multicultural and multi-ethnic State, and it incorporates a wide range of human rights, including a number of economic, social and cultural rights enshrined in the Covenant.

271. The Committee notes with satisfaction the adoption of the National Human Rights Plan and it welcomes the establishment in 1998 of the Ombudsman's Office for the promotion and protection of human rights. The Committee also welcomes the important role the State party has played in the adoption of the Andean Charter for the Promotion and Protection of Human Rights.

272. The Committee takes note with satisfaction of the ratification by the State party of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as the adoption of legislation and creation of institutions and plans to combat discrimination against women, such as the Law against Violence towards Women and the Family of 1995, the Law for the Protection of Women at Work of 1997, the Equal Opportunity Plan and the establishment of the National Council for Women in 1997.

273. The Committee notes with appreciation the cooperation between the State party, and especially the working group of the Inter-Ministerial Human Rights Committee on the elaboration of reports to the United Nations human rights treaty bodies, and the United Nations country team in Ecuador and the Latin American regional office of the United Nations High Commissioner for Human Rights.

C. Factors and difficulties impeding the implementation of the Covenant

274. The Committee takes note that Ecuador has recently experienced a range of natural disasters such as the El Niño phenomenon, which have negatively affected the implementation of the rights guaranteed in the Covenant.

275. The Committee takes note that the structural adjustment policies in the State party have negatively affected the enjoyment of economic, social and cultural rights by the population, particularly the disadvantaged and marginalized groups of society. It especially notes the high percentage of the annual national budget (around 40 per cent) allocated to foreign debt servicing that seriously limits the resources available for the achievement of effective enjoyment of economic, social and cultural rights.

D. Principal subjects of concern

276. The Committee is concerned about the lack of independence of the judiciary and the alleged human rights abuses committed by the judiciary.

277. The Committee is concerned that, despite the legal framework in place and the growing influence of indigenous grassroots community groups, indigenous people continue to suffer discrimination, particularly with regard to employment, housing, health and education.

278. The Committee is concerned that, although the Constitution recognizes the rights of indigenous communities to hold property communally and to be consulted before natural resources are exploited in community territories, these rights have regretfully not been fully implemented in practice. The Committee is deeply concerned that natural extracting concessions have been granted to international companies without the full consent of the communities concerned. The Committee is also concerned about the negative health and environmental impacts of the activities of natural resource extracting companies at the expense of the exercise of land and culture rights of the affected indigenous communities and the equilibrium of the ecosystem.

279. The Committee is deeply concerned about the de facto discrimination against the Afro-Ecuadorian population in all spheres of life. The Committee regrets that insufficient information was provided with regard to this particular group in the State party's report.

280. The Committee is deeply concerned about the high percentage of people with disabilities in the State party. While noting with appreciation the recent legislation that promotes the rights of people with disabilities, including access to education, employment, transportation, and communication, the Committee regrets that in practice the State party has allocated few resources to ensure access to these services.

281. The Committee expresses its concern about the de facto inequality that exists between men and women in Ecuadorian society despite legislative guarantees of equality, owing to the perpetuation of traditional stereotypes and the lack of implementation of legislative guarantees of equality. Such inequality is reflected in unequal wages for equal work, the high percentage of illiteracy amongst women particularly in rural areas, the low level of representation of women in public service and administration, and limited access to credit, professional work and skilled trades. The Committee is also concerned that insufficient resources are allocated to programmes that aim at eliminating gender-based discrimination.

282. The Committee is concerned about the high percentage of unemployment in the State party and the size of its informal economy.

283. The Committee is particularly concerned that the minimum wage is not sufficient to provide a decent living for workers and their families and that in practice such a minimum wage is not always paid.

284. The Committee is concerned about the insufficient enforcement of health and safety regulations for workers in the State party, particularly in small mines and in banana plantations, and about the high number of occupational accidents. The Committee is also concerned that labour inspections are not carried out regularly, especially in rural areas.

285. The Committee is concerned that the Labour Code in the State party limits, to a required minimum of 30 workers, the right to set up a trade union section or a staff association designed to create a labour union section. The Committee is deeply concerned about the wide extent of temporary contracts and subcontracting, and of the obstacles these phenomena have created to the exercise of workers' trade union rights. The Committee also regrets the limitations to the right to strike contained in the Ecuadorian Labour Code.

286. The Committee is concerned about the severe underfunding of the Ecuadorian Institute of Social Security, which has a negative impact on the personal and material coverage provided by the social security system.

287. The Committee is concerned that only a limited percentage of the Ecuadorian population is entitled to social security benefits, especially to sickness and maternity insurance.

288. The Committee, while recognizing the efforts of the State party towards combating child labour, deplores the practice of child labour in the State party, especially in agriculture and domestic work.

289. The Committee is deeply concerned about the high incidence of sexual abuse, prostitution of girls and boys under the age of 18 in urban areas, exploitation of children and the lack of a comprehensive strategy to address these problems.

290. The Committee is concerned about trafficking in minors, especially indigenous minors.

291. The Committee is concerned that domestic violence is widespread and does not constitute a criminal offence in the State party. The Committee is also concerned by the narrow definition of rape as a criminal offence in the Ecuadorian Criminal Code.

292. The Committee is deeply concerned about the persistent and growing level of poverty in the State party, affecting primarily women, children, indigenous and Afro-Ecuadorian communities.

293. The Committee is concerned about the poor housing conditions, the considerable housing shortage and the absence of effective measures to provide social housing for low-income families and the disadvantaged and marginalized groups.

294. The Committee is concerned that, despite the constitutional guarantees of the right of the indigenous people to own property communally, the State party does not provide effective protection for the indigenous people against forced evictions from their ancestral lands.

295. The Committee is concerned about the low coverage, quality and insufficient financial resources available to the health system. The Committee notes that, despite improvements, the maternal mortality rate remains high. The Committee expresses concern about the increasingly high rate of teenage pregnancies.

296. The Committee is concerned about the enjoyment of the right to health by all people in the State party and particularly with regard to access to generic medicine.

297. The Committee is concerned about the high rate of illiteracy and school dropouts in the State party. The Committee is particularly concerned in this regard about the situation of young girls and of indigenous and Afro-Ecuadorian children.

298. The Committee is concerned that, despite the existence of schools and universities where indigenous languages are taught, major indigenous languages, particularly Quechua, are gradually disappearing.

E. Suggestions and recommendations

299. The Committee urges the State party to take immediate and appropriate measures to ensure the independence and integrity of the judiciary. It also requires the State party to provide detailed information in its next periodic report with regard to court cases that deal with economic, social and cultural rights.

300. The Committee recommends that the State party take effective and practical steps to ensure better protection of indigenous people against discrimination in many fields, especially with regard to employment, housing, health and education. It also requests that the State party include in the next periodic report information on the impact of programmes aimed to ensure economic, social and cultural rights to indigenous people and data regarding any progress made in this respect.

301. The Committee strongly urges the State party to ensure that indigenous people participate in decisions affecting their lives. The Committee particularly requests that the State party consult and seek the consent of the indigenous people concerned prior to the implementation of natural resource-extracting projects and on public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. The Committee strongly recommends that the State party implement legislative and administrative measures to avoid violations by transnational companies of environmental laws and rights.

302. The Committee urges the State party to undertake immediate steps to ensure equal opportunities for Afro-Ecuadorians, particularly with regard to employment, housing, health and education and to provide detailed information in its third periodic report on progress achieved.

303. The Committee urges the State party to conduct research on the possible reasons for the high disability rate and provide detailed information in its third periodic report with respect to such causes as well as the progress made to ensure the fulfilment of the economic, social and cultural rights of people with disabilities.

304. The Committee urges the State party to adopt all effective measures to ensure equality between men and women in all fields of life as provided for in article 2, paragraph 2, and article 3 of the Covenant, including through implementing the principle of equal pay for work of equal value as provided for in the Covenant, increasing the level or representation of women in public services and reducing the wage gap between men and women. The Committee requests the State party to provide detailed information on the progress made on gender discrimination issues in its third periodic report.

305. The Committee urges the State party to take effective steps to reduce the unemployment rate as well as the percentage of employment in its informal economy.

306. The Committee urges the State party to take the necessary measures in order to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is effectively enforced.

307. The Committee urges the State party to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspection system is strengthened. The Committee also urges the State party to adopt measures to protect workers from occupational hazards resulting from the use of toxic and other dangerous substances in the banana-growing and small mine sectors.

308. The Committee urges the State party to take immediate legislative or other measures necessary to ensure that all workers, including the subcontracted and temporary ones, are able to exercise their trade union rights.

309. The Committee urges the State party to settle the problem of the debt owed to the Equatorian Institute of Social Security so as to allow it to perform its task of ensuring adequate security coverage and payment of social benefits. The Committee also urges the State party to strengthen the role of social security inspections to combat fraud, for example by employers who do not pay social security contributions for their employees.

310. The Committee urges the State party to increase the coverage of the social security system, especially for self-employed workers and women.

311. The Committee calls upon the State party to provide in its next periodic report information on the impact of the fund set up under the Programme for the Development of Ecuadorian Migrants and their Families in improving the living conditions of these families. The Committee also encourages the State party to implement the recommendations made in 2001 by the Commission on Human Rights Special Rapporteur on the human rights of migrants.

312. The Committee urges the State party to take all effective measures to ensure that the Family Code is adopted and implemented without any further delay.

313. The Committee strongly urges the State party to take all possible measures, legislative and otherwise to address effectively the persistent problem of child labour, particularly in agriculture and domestic work.

314. The Committee urges the State party to address the issues of sexual abuse, prostitution of girls and boys and exploitation of children by adopting a comprehensive strategy to address these problems. The Committee requests the State party to provide information on the progress made in this regard in the next periodic report.

315. The Committee urges the State party to take all the appropriate measures to combat the problem of trafficking in minors, including collecting relevant data and statistics and conducting a thorough study on this issue. The Committee requests the State party to report back on the measures taken and progress made in this regard in its third periodic report.

316. The Committee urges the State party to take effective measures to combat domestic violence, including through the effective application of the existing laws and awareness-raising campaigns. It also strongly urges the State party to amend its Criminal Code with the view to redefining the crime of rape to reflect international standards and to protect women and children.

317. The Committee encourages the State party to intensify its efforts and activities to combat poverty, including the setting up of an anti-poverty strategy to improve the living conditions of disadvantaged and marginalized groups and to provide information in the next periodic report on any progress made. In this regard, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6]

318. The Committee urges the State party to take all the appropriate measures to deal with the problem of homelessness, to ensure access to housing credit and subsidies for low-income families, disadvantaged and marginalized groups and to improve the water and sanitation facilities of existing housing units.

319. The Committee calls upon the State party to ensure that indigenous people are effectively protected from forced evictions from their ancestral lands and that they are properly compensated, should such evictions take place. In this regard, the Committee brings to the State party's attention its general comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions and requests that detailed information on this issue be included in its next periodic report.

320. The Committee urges the State party to allocate a higher percentage of GDP to the health sector. The Committee also recommends the State party to continue with its prevention and care efforts in the field of health by providing sexual and reproductive health services, particularly to women and young people.

321. The Committee strongly urges the State party to conduct an assessment of the effect of international trade rules on the right to health for all and to make extensive use of the flexibility clauses permitted in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement) in order to ensure access to generic medicine and more broadly the enjoyment of the right to health for everyone in Ecuador.

322. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions and other regional trade agreements to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

323. The Committee urges the State party to take all possible measures to combat illiteracy, particularly amongst the most disadvantaged and marginalized groups. The Committee requests that the State party provide information in the next periodic report on the measures taken to this end and the results obtained.

324. The Committee urges the State party to take all possible measures to ensure that indigenous languages are better protected and that the teaching of these languages in schools is increased as an important part of the enjoyment of the right to culture of the indigenous people.

325. The Committee recommends that the State party take action to ensure that all the Covenant rights are effectively upheld and that concrete remedies, judicial or otherwise, are provided to those whose economic, social and cultural rights are infringed, especially in relation to the disadvantaged and marginalized groups. In this regard, the Committee draws the attention of the State party to its general comment No. 9 (1998) on domestic application of the Covenant.

326. The Committee recommends that the State party provide the Ombudsman's Office with appropriate and adequate means to continue to carry out its mandate, including protection of economic, social and cultural rights, in accordance with the Paris Principles.[7]

327. The Committee recommends that the State party improve human rights training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant and other international human rights instruments, in particular among the judiciary, law enforcement officials and other actors responsible for the implementation of the Covenant.

328. The Committee requests that the State party provide information on the implementation of the present concluding observations in its third periodic report. The Committee also requests the State party to disseminate the present concluding observations widely to all levels of society and, in particular, among State officials, the judiciary and civil society organizations in general. The Committee particularly encourages the State party to involve non-governmental organizations and other members of the civil society in the preparation of its next periodic report.

329. The Committee requests the State party to submit its third periodic report by 30 June 2009.

Thirty-third session

MALTA

330. The Committee considered the initial report of Malta on the implementation of the Covenant (E/1990/5/Add.58) at its 32nd to 33rd meetings, held on 9 November 2004, and made public, at its 56th meeting, held on 26 November, the following concluding observations.

A. Introduction

331. The Committee welcomes the submission of the initial report of the State party, which was prepared in conformity with the Committee's guidelines. It also appreciates the comprehensive written replies to the list of issues (E/C.12/Q/MLT/1) and welcomes the frank and constructive dialogue with the high-level delegation of the State party.

B. Positive aspects

332. The Committee notes with appreciation the overall high level of protection afforded to economic, social and cultural rights in the State party and its continuing efforts to improve the protection of these rights.

333. The Committee welcomes the elaboration of a number of national action plans, such as the National Action Plan for Employment and the National Action Plan on Poverty and Social Exclusion 2004-2006, aiming at improving the protection of economic, social and cultural rights.

334. The Committee welcomes the Equality for Men and Women Act, 2003 and the setting up of the National Commission for the Promotion of Equality for Men and Women.

335. The Committee welcomes the establishment of the National Commission Persons with Disability in 1987 and the enactment in 2000 of the Equal Opportunities (Persons with Disability) Act.

336. The Committee welcomes the establishment in 1995 of the Office of the Ombudsman.

C. Factors and difficulties impeding the implementation of the Covenant

337. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

338. The Committee notes the general difficulty in assessing progress in the implementation of Covenant rights owing to a lack in the information provided by the State party of comparative and disaggregated data.

339. The Committee regrets that the Covenant has not been incorporated into domestic law and therefore cannot be directly invoked before the domestic courts.

340. The Committee is concerned that persistent cultural stereotypes of the role of women negatively affect the equal enjoyment of rights by both men and women. The Committee notes with concern in this regard that women remain largely underrepresented in public service and that there are no female judges in the State party.

341. The Committee notes with concern the trend of rising youth unemployment rates and the rise in long-term unemployment.

342. While noting the measures taken by the State party to promote the rights of persons with disabilities, the Committee is concerned about the lack of incentives for employers to hire such persons.

343. The Committee is concerned that the participation of women in the labour market remains very low. It also notes with concern the significant gap between the wages of men and women and the very low representation of women in senior management positions.

344. The Committee is concerned that it is still difficult for women to balance employment and family responsibilities in the State party. Moreover, the Committee notes with concern that certain measures introduced, including more flexible parental leave schemes, are mainly aimed at women working in the public service and do not apply to women working in the private sector.

345. The Committee notes with concern the high number of industrial accidents in the State party.

346. The Committee is concerned that the Industrial Relations Act unduly restricts the right to strike by providing for a compulsory arbitration procedure in industrial labour disputes.

347. The Committee notes with concern that the State party has not ratified a number of international labour conventions in the area of labour rights and social security, including ILO Conventions No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy, No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security and No. 122 (1964) concerning Employment Policy.

348. While noting that various forms of assistance are provided to victims of domestic violence, the Committee is concerned that domestic violence is currently not defined in law as a specific crime, which makes it more difficult for victims of violence to claim their rights.

349. The Committee notes with concern the distinction made between "legitimate" and "illegitimate" children in the Civil Code of the State party and the fact that children born out of wedlock do not have the same rights as children born in wedlock.

350. The Committee expresses its concern at the relatively low age of criminal responsibility in the State party.

351. While corporal punishment is prohibited in schools and other institutions, the Committee notes that corporal punishment within the family, in the form of "reasonable chastisement", is not prohibited by law.

352. The Committee observes with concern that abortion is illegal in all cases under the law of the State party.

353. The Committee is concerned at the lack of sexual and reproductive health-care services in the State party.

E. Suggestions and recommendations

354. The Committee recommends that the State party provide in its next periodic report comparative and disaggregated data, which would allow the Committee to assess progress in the implementation of the Covenant and, in particular, the situation of disadvantaged and marginalized groups in society.

355. The Committee recommends that the State party reconsider the matter of incorporation of the Covenant into domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order, following ratification

of an international instrument, the State party is under an obligation to comply with it and to give it full effect in its domestic legal order. In this respect, the Committee draws the attention of the State party to the Committee's general comment No. 9 (1998) on domestic application of the Covenant.

356. The Committee encourages the State party to withdraw its declaration made upon ratification under article 13 of the Covenant.

357. The Committee encourages the State party to establish an independent national human rights institution, in accordance with the Paris Principles,[7] mandated with the protection and promotion of all human rights, including economic, social and cultural rights.

358. The Committee recommends that the State party further strengthen efforts to raise public awareness about gender equality, including by providing the National Commission for the Promotion of Equality for Men and Women with adequate support, and report on results obtained in its next periodic report.

359. The Committee recommends that the State party strengthen measures to tackle the problem of long-term unemployment and unemployment among young people.

360. The Committee recommends that the State party continue and strengthen its efforts to promote the integration of persons with disabilities into the labour market and to provide data, on a comparative basis, on the impact of those measures.

361. The Committee recommends that the State party continue and strengthen its efforts to increase the participation of women in the labour market and to ensure equal treatment between women and men, including equal remuneration for work of equal value.

362. The Committee urges the State party to take further measures to enable working parents to reconcile professional and family responsibilities, including by ensuring access to affordable childcare and flexible parental leave schemes for workers in both the public and private sectors.

363. The Committee recommends that the State party strengthen measures taken to prevent accidents in the workplace and to ensure that the labour inspectorate has adequate resources and powers to enforce and monitor effectively compliance with safety regulations. It also encourages the State party to ratify ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

364. The Committee encourages the State party to review the legislation on industrial labour disputes with a view to removing the compulsory arbitration procedure, in conformity with the observations made in 2002 by the ILO Committee of Experts on the Application of Conventions and Recommendations, with reference to ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.

365. The Committee encourages the State party to ratify ILO Conventions Nos. 102 (1952), 117 (1962), 118 (1962) and 122 (1964).

366. The Committee encourages the State party to expedite the adoption of the Domestic Violence Bill currently under consideration.

367. The Committee urges the State party to expedite the planned revision of the Civil Code so as to abolish the terminology "legitimate" and "illegitimate" children and ensure equality in the enjoyment of rights of children born both in and out of wedlock.

368. The Committee encourages the State party to review its legislation with a view to raising the age of criminal responsibility.

369. The Committee encourages the State party to consider an explicit prohibition of corporal punishment within the family.

370. The Committee urges the State party to review its legislation on abortion and consider exceptions to the general prohibition of abortion for cases of therapeutic abortion and when the pregnancy is the result of rape or incest.

371. The Committee recommends that the State party strengthen education programmes on sexual and reproductive health and support sexual and reproductive health services.

372. The Committee encourages the State party to ensure that human rights education is provided in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

373. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, including among State officials and the judiciary, and to inform the Committee of all steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other members of civil society in the preparation of its second periodic report.

374. The Committee requests the State party to submit its second periodic report by 30 June 2009.

DENMARK

375. The Committee considered the fourth periodic report of Denmark on the implementation of the Covenant (E/C.12/4/Add.12) at its 35th to 37th meetings, held on 10 and 11 November 2004, and made public, at its 56th meeting, held on 26 November, the following concluding observations.

A. Introduction

376. The Committee welcomes the timely submission of the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines, and the written replies to its list of issues (E/C.12/Q/DEN/2).

377. The Committee welcomes the frank and constructive dialogue with the delegation of the State party, which included experts in the different areas covered by the Covenant, as well as a representative of the Greenland Home Rule Government.

B. Positive aspects

378. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant and the overall protection afforded to economic, social and cultural rights in Denmark.

379. The Committee notes with appreciation Denmark's commitment to official development assistance and its level of contributions, which stands at 0.85 per cent of its GNP (2004), and that it is therefore one of the few countries to have exceeded the United Nations target of 0.7 per cent of GNP.

380. The Committee notes with satisfaction the existing legislative and administrative measures taken to combat acts of racism and xenophobia in the State party and welcomes the enactment in July 2003 of the Act on Equal Treatment Irrespective of Ethnic Origin. In this connection, the Committee also notes with appreciation the establishment of the National Action Plan to Promote Equal Treatment and Diversity and Combat Racism as a follow-up to the Durban Declaration and Programme of Action.[9]

381. The Committee acknowledges with appreciation the efforts made by the State party to strengthen the promotion of gender equality in Denmark through its laws, policies and programmes, including the appointment in July 1999 of a Minister for Gender Equality and the enactment in May 2000 of Act No. 388 on Gender Equality.

382. The Committee notes with satisfaction that the unemployment rate is on the decrease, owing to the effective employment policies implemented by the State party.

383. The Committee welcomes the adoption in March 2003 of the law on combating child pornography, sexual exploitation of children and sale of children, and the establishment in August 2003 of the Action Plan on combating sexual abuse of children.

384. The Committee welcomes the measures taken by the State party to combat the phenomenon of trafficking in persons, including the adoption in June 2002 of the law on trafficking in human beings and the ratification in September 2003 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

385. The Committee notes with satisfaction the reduction in the number of smokers, owing to the sustained campaign undertaken by the State party to promote a healthy lifestyle, including awareness-raising on the negative effects of smoking.

C. Factors and difficulties impeding the implementation of the Covenant

386. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Denmark.

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[9] Adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001 (A/CONF.189/12, chap. I).

D. Principal subjects of concern

387. The Committee is concerned that the rise in the number of immigrants and refugees arriving in Denmark over the last years has been met with increased negative and hostile attitudes towards foreigners. The Committee also expresses concern about the occurrence of xenophobic incidents in the State party.

388. While appreciating the measures taken by the State party to promote equality between men and women, the Committee remains concerned about the persistent gender inequalities in the State party, particularly with regard to wages (a differential of 12-19 per cent) and the low participation of women in certain levels of decision-making.

389. The Committee is concerned about the level of long-term unemployment, affecting men age 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.

390. The Committee notes with concern that the 24-year rule introduced by the amendment to the Aliens Act in 2002 restricts the right to family reunification and may constitute an impediment to the enjoyment of the right to family life in the State party.

391. The Committee regrets that there is no legal provision in the State party's domestic legal order specifically criminalizing domestic violence, particularly against women.

392. The Committee is also concerned at the reports of cases of ill-treatment, particularly of migrant women, at the hands of their spouses or partners, which often remain unreported for reasons of economic dependency and fear of deportation. The Committee notes that the situation has been exacerbated by the 2002 amendment to the Aliens Act, which increased the required number of years of residence to seven before a permanent residence permit may be obtained by migrant women married to Danish citizens.

393. The Committee notes with concern that, in spite of the measures taken by the State party, Denmark continues to face problems of child pornography, sexual exploitation of children, and trafficking in women and children.

394. The Committee regrets the absence of disaggregated statistical data on the extent of poverty in the State party's report, particularly among refugees and the immigrant population, and notes that the State party has yet to adopt an official poverty line, which would enable the State party to define the extent of poverty and to monitor and evaluate progress in alleviating poverty.

395. The Committee is concerned at the lack of constitutional or other legislative provisions in the State party guaranteeing the right to housing. The Committee is also concerned about the difficulties faced by disadvantaged and marginalized groups, in particular immigrants, in renting or obtaining public housing owing to discriminatory practices. The Committee also notes with concern the increase in homelessness among the immigrant population in the State party.

396. The Committee is concerned about the high rate of illicit drug consumption and alcohol abuse in the State party, and about the conditions of those who suffer from mental illnesses caused by such consumption and abuse.

E. Suggestions and recommendations

397. The Committee welcomes the newly established mechanism within the Danish Institute for Human Rights to receive complaints from individuals in cases of discrimination based on race and encourages the State party to continue to take effective measures to strengthen the work of this Institute, inter alia through the allocation of adequate resources, and to consider expanding its competence so as to enable it to receive complaints of violations of a wider range of human rights, including economic, social and cultural rights.

398. The Committee recommends that the State party closely monitor and combat the incidence of racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society. The Committee further recommends that the State party take measures to ensure the effective implementation of the National Action Plan to Promote Equal Treatment and Diversity and Combat Racism as a follow-up to the Durban Declaration and Programme of Action, and to provide information on the progress made in its next periodic report.

399. The Committee calls upon the State party to adopt effective measures to ensure equality between men and women as provided for in article 2, paragraph 2, and article 3 of the Covenant, including by implementing the principle of equal pay for work of equal value and ensuring the participation of women in decision-making. The Committee requests the State party to provide in its next periodic report detailed information on the progress made on gender discrimination issues, including through affirmative action.

400. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women. It also recommends that the State party take further measures to assist men and women to reconcile professional and family life.

401. The Committee requests the State party to include in its next periodic report detailed information on the "New Denmark" reform, including information on its impact on the marginalized groups of society, so that the Committee may assess whether the level of benefits is sufficient to ensure an adequate standard of living for all.

402. The Committee recommends that the State party consider ratifying ILO Conventions No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

403. The Committee calls upon the State party to take appropriate measures to either repeal or amend the 24-year rule of the 2002 Aliens Act, in line with its obligation to guarantee the enjoyment of the right to family life to all persons in Denmark, without distinction. In this connection, the Committee encourages the State party to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

404. The Committee requests that the State party include in its fifth periodic report detailed information on the extent of the problem of domestic violence, in particular violence against women in Denmark, and on the measures taken to combat this phenomenon. In this connection,

the Committee encourages the State party to consider enacting specific legislation to criminalize domestic violence and to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence.

405. The Committee recommends that effective measures be taken to ensure that victims of domestic violence receive appropriate care and support for their rehabilitation and that appropriate mechanisms be enforced so that victims are not prevented from seeking assistance for fear of deportation or expulsion from Denmark.

406. The Committee encourages the State party to continue and strengthen its efforts to address the problem of trafficking in persons, especially women and children, as well as commercial sexual exploitation in the State party, and requests that the State party provide in its next periodic report detailed information on any results achieved and difficulties encountered in their implementation, including the results of the Action Plan on combating sexual abuse of children.

407. The Committee calls upon the State party to strengthen its efforts to combat poverty and social exclusion and to develop a mechanism for measuring the poverty level and monitor it closely. In this respect, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6] The Committee requests that the State party provide in its next periodic report disaggregated and comparative data on the number of people living in poverty and on progress made in reducing the incidence of poverty.

408. The Committee encourages the State party to consider enacting specific legislation providing for the right to housing. The Committee also recommends, in line with the Committee's general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant), that the State party adopt national policies to ensure that all families have adequate housing facilities and that adequate resources are allocated for social housing, particularly for disadvantaged and marginalized groups such as immigrants. The Committee further encourages the State party to take measures to address the problem of homelessness, particularly among the immigrant population.

409. The Committee recommends that the State party continue taking measures for the effective implementation of programmes to prevent the consumption of illicit substances, tobacco smoking and alcohol abuse and to report back to the Committee on this issue in its next periodic report.

410. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report of all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.

411. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.

ITALY

412. The Committee considered the fourth periodic report of Italy on the implementation of the Covenant (E/C.12/4/Add.13) at its 38th to 40th meetings, held on 15 and 16 November 2004, and made public, at its 56th meeting, held on 26 November, the following concluding observations.

A. Introduction

413. The Committee welcomes the submission of the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines as well as the comprehensive written replies to its list of issues (E/C.12/Q/ITA/2).

414. The Committee welcomes the constructive dialogue with the delegation of the State party, which included government officials with expertise in the subjects relevant in the context of the Covenant.

B. Positive aspects

415. The Committee notes with appreciation the adoption of the law of 30 May 2003 modifying article 51 of the Italian Constitution, which introduces the principle of equal opportunity for men and women in respect of access to political office.

416. The Committee welcomes the measures taken by the State party to combat the phenomenon of trafficking in persons, including the adoption of Law No. 228/03 of 11 August 2003 on trafficking in human beings.

417. The Committee notes with appreciation the establishment, under the Ministry for Equal Opportunity, of the National Office for the Elimination of Racial Discrimination to promote equality and fight discrimination based on race or ethnic origin in November 2004.

418. The Committee notes with satisfaction the State party's efforts to reduce unemployment.

419. The Committee welcomes the regularization of the status of 700,000 migrant workers in the State party.

420. The Committee welcomes the fact that the child mortality rate has steadily decreased during the last reporting periods.

421. The Committee also welcomes the fact that the National Sanitary Plan for 2003-2005 has extended its coverage to illegal immigrants, so that they can receive preventive medical treatment as well as urgent and basic treatment.

422. The Committee welcomes the proactive participation of civil society in monitoring the implementation of the Covenant, including the provision of a large amount of information to the Committee.

C. Factors and difficulties impeding the implementation of the Covenant

423. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

424. The Committee is concerned that the State party still considers that some economic, social and cultural rights, including the right to adequate housing, are not justiciable since they entail financial burdens upon the State. In this regard, the Committee notes the scarcity of court decisions in which the Covenant has been invoked.

425. The Committee expresses concern at the lack of an independent national human rights institution in conformity with the Paris Principles.[7] It is also concerned at possible initiatives that would place institutions under the responsibility of the Office of the Prime Minister or the President.

426. While the Committee takes note of the State party's commitment to raising the level of official development assistance from the current 0.23 per cent of GNP to 0.33 per cent by 2006, it expresses concern that the level of development assistance still falls short of the United Nations target of 0.7 per cent of GNP.

427. Despite the measures adopted by the State party to combat racism and discrimination, the Committee remains concerned at the limited implementation of such measures, in particular at the fact that no regional or local bodies have been established to monitor racism and discrimination, as envisaged in article 44 of Legislative Decree No. 286 of 25 July 1998.

428. The Committee is concerned that Law No. 189 of 30 July 2002 on immigration, which introduced a strong link between the labour contract and the length of a residence permit, may hinder the enjoyment by migrant workers and their families of economic, social and cultural rights as enshrined in the Covenant. The Committee is further concerned about the excessive time taken by the authorities to renew residence permits in the State party, which may restrict, inter alia, freedom of movement and access to social services by migrant workers and their families.

429. The Committee notes with concern the explanation given by the State party in connection with case law (judgements No. 6030 of 29 May 1993 and No. 4570 of 17 May 1996) according to which the principle of equal pay for work of equal value cannot be fully implemented in the Italian legal order.

430. The Committee is concerned at the continued existence of a large informal economy in the State party which, inter alia, infringes upon the enjoyment of the economic, social and cultural rights of those employed therein, including children.

431. The Committee reiterates its concern about the persistent regional inequalities and the considerable levels of poverty, especially in the southern parts of the country. The Committee takes note of the decision by the State party to increase the assessment period for the Minimum Integration Income scheme, which is presently being implemented by 306 municipalities.

432. The Committee notes with concern the lack of comprehensive legislation on asylum-seekers in the State party.

433. Despite the relevant measures taken to combat domestic violence, including the adoption of Law No. 154 of 4 April 2001 on measures against violence in family relations, the Committee expresses its concern about the small number of complaints lodged, especially by women.

434. The Committee is concerned that women with children face increased difficulties in finding and keeping a job, partly due to the lack of services for small children.

435. Reiterating its concluding observations on Italy's third periodic report,[10] the Committee remains concerned about the plight of Roma immigrants living in camps with poor housing, unhygienic sanitary conditions, limited employment prospects and inadequate educational facilities for their children.

436. The Committee is concerned about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination.

437. The Committee is also concerned about the continuing increase in rents and the privatization of housing and about the scarcity of adequate social housing units for low-income families while the social fund established to provide housing assistance has been reduced.

438. While the Committee notes that the periodic report and the replies by the State party mention that chronic illness, old age and disability are realities that must be addressed with new means and strategies, and mentions specific components of such strategies, it remains concerned that no facts and figures were provided to enable the Committee to assess the health situation in the State party.

439. The Committee notes that the State party has set priority actions in relation to the incidence of new HIV/AIDS infections that are in line with WHO targets, but remains concerned that no facts and figures for these priority aims were provided.

E. Suggestions and recommendations

440. Affirming the principle of the interdependence and indivisibility of all human rights, the Committee encourages the State party to reconsider its position regarding the justiciability of economic, social and cultural rights. Moreover, the Committee considers that the State party remains under an obligation to give full effect to the Covenant in its domestic legal order, providing for judicial and other remedies for violations of all economic, social and cultural rights. In this respect, the Committee draws the attention of the State party to the Committee's general comment No. 9 (1998) on domestic application of the Covenant.

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[10] See *Official Records of the Economic and Social Council, 2000, Supplement No 2* (E/2001/22-E/C.12/2000/21), chap. IV, para. 116.

441. The Committee recommends that the State party provide appropriate training to the judiciary, prosecutors and other officials responsible for the implementation of the economic, social and cultural rights enshrined in the Covenant to ensure that those rights are consistently enforced in courts of law.

442. The Committee welcomes the new Education to Citizenship programme mentioned by the delegation and encourages the State party to strengthen its efforts to provide human rights education in schools at all levels and to raise awareness about the Covenant and other international human rights instruments among the public in general.

443. The Committee recommends that the State party undertake, with a broad base of civil society representatives and with the support of the National Institutions Unit within the Office of the United Nations High Commissioner for Human Rights, the necessary consultations concerning the possible establishment of an independent national human rights institution.

444. The Committee urges the State party to prepare, as soon as possible, a comprehensive national plan of action on human rights, in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.[8]

445. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to 0.7 per cent of its GNP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

446. The Committee recommends that the State party effectively implement the legislation and programmes adopted to combat racism and discrimination, including through the establishment of monitoring bodies in the whole territory, as envisaged in article 44 of Legislative Decree No. 286, providing them with adequate human and financial resources.

447. The Committee recommends that the State party undertake measures to expedite the process of renewing the residence permits of migrant workers so as to enable them to enjoy their economic, social and cultural rights. The Committee further recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

448. The Committee recommends that the State party expedite the ratification procedures for ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

449. The Committee reaffirms that the principle of equal pay for work of equal value, as enshrined in article 7 *(a)* of the Covenant must be implemented immediately and that the State party cannot derogate from this article without being in breach of its Covenant obligations.

450. The Committee recommends that the bill on the judicial regulations, which the State party contemplates modifying, if adopted, should ensure that the right of everyone, including judges, to form and join trade unions and to take part in trade union activities is respected, in conformity with article 8, paragraph 1 *(a)*, of the Covenant.

451. The Committee recommends that the State party increase its efforts to regularize effectively the informal labour sector.

452. The Committee urges the State party to integrate economic, social and cultural rights in its National Action Plan against Poverty and Social Exclusion. In this regard, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6] The Committee also urges the State party to establish the Minimum Integration Income scheme at the national level to combat poverty.

453. The Committee calls upon the State party to take appropriate measures to adopt comprehensive legislation on asylum-seekers and ensure that their economic, social and cultural rights are duly taken into account.

454. The Committee recommends that the State party intensify its efforts to combat domestic violence, especially against women, and undertake information campaigns to educate the population regarding the consequences of domestic violence. The Committee requests the State party to provide information in its next periodic report on results achieved and difficulties encountered in the implementation of the relevant legislation.

455. The Committee strongly recommends that the State party extend the network of affordable, accessible and available childcare services.

456. The Committee urges the State party to step up its efforts to build more permanent housing settlements for the Roma immigrants and take all the necessary measures to promote their integration into local communities, offer them job opportunities and make adequate educational facilities available to their children.

457. The Committee urges the State party to take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma.

458. The Committee urges the State party to take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its general comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions, and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.

459. The Committee also urges the State party to provide in its next periodic report information on the scope and the extent of the problem of homelessness that particularly affects immigrants.

460. The Committee recommends that the State party provide in its next periodic report specific benchmarks in relation to chronic diseases, old age and disability, along with disaggregated data, on a comparative basis for the entire reporting period, so as to enable the Committee to assess, in line with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant), how the right to health has been realized.

461. The Committee also recommends that the State party provide in its next periodic report more detailed information on the measures taken in relation to HIV/AIDS and detailed statistics disaggregated by sex, urban/rural area, disadvantaged or marginalized group of society and other criteria mentioned in the Committee's general comment No. 14 (2000).

462. The Committee recommends that the State party develop home-care and other personal and social services, taking into account the combined health and social care needs of older persons.

463. The Committee takes note of the fact that a bill on pension reform was approved by the Senate in May 2004. The Committee wishes to be informed in the next periodic report about its implementation, in particular whether minimum pensions guarantee an adequate standard of living for pensioners and their families.

464. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report about all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.

465. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.

AZERBAIJAN

466. The Committee considered the second periodic report of Azerbaijan on the implementation of the Covenant (E/1990/6/Add.37) at its 41st to 43rd meetings, held on 16 and 17 November 2004, and made public, at its 56th meeting held on 26 November, the following concluding observations.

A. Introduction

467. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. The Committee notes with appreciation the comprehensive written replies to its list of issues (E/C.12/Q/AZE/2), though it regrets their late submission.

468. The Committee welcomes the constructive dialogue with the high-level delegation of the State party, which included deputy ministers and experts in the different areas covered by the Covenant.

B. Positive aspects

469. The Committee notes with appreciation the adoption of the State Programme on Protection of Human Rights in June 1998 by presidential decree.

470. The Committee welcomes the information provided by the State party that the working group established to prepare the second periodic report to the Committee, consisting of representatives of various ministries and State bodies, as well as experts from non-governmental organizations, will monitor the implementation of the Covenant in accordance with the suggestions and recommendations made by the Committee in the present concluding observations.

471. The Committee welcomes the efforts made to combat economic crime and corruption in the State party, including the adoption of the 2004-2006 State Programme on Strengthening the Fight against Corruption and of the law on the fight against corruption, adopted in January 2004, as well as the establishment of the Department for Fighting Corruption, under the Prosecutor-General.

472. The Committee welcomes the information provided by the State party on the reform of the judiciary as part of the current revision of the State apparatus in Azerbaijan.

473. The Committee welcomes the adoption of the law on the rights of the child and the ratification of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

474. The Committee commends the State party for the adoption in May 2003 of the Law on the Protection of Samples of Azerbaijani Folklore that came into effect in August 2003; the text on legal protection had been developed by the Copyright Agency of Azerbaijan in cooperation with UNESCO and WIPO.

C. Factors and difficulties impeding the implementation of the Covenant

475. The Committee is aware that the State party is still faced with the difficulties commonly encountered by countries in transition.

476. The Committee notes that the presence of a large number of refugees and internally displaced persons as a result of the conflict with Armenia continues seriously to hamper the State party's ability to implement the economic, social and cultural rights contained in the Covenant.

D. Principal subjects of concern

477. The Committee notes with regret that no information was provided on specific decisions of domestic courts where reference has been made to the Covenant and its provisions.

478. The Committee is concerned about the lack of independence of the judiciary and the persistence and the extent of corruption in the State party, and once again stresses the importance of an independent judiciary for the enjoyment of all human rights, including economic, social and cultural rights, and the availability of effective remedies in case of violation.

479. The Committee notes with regret that the statistical data provided by the State party do not always allow for a clear evaluation of the implementation of the economic, social and cultural rights enshrined in the Covenant.

480. While noting that the constitutional guarantee of the enjoyment of all rights and freedoms is extended to all foreign citizens and stateless persons, the Committee is concerned about the persistent de facto discrimination against foreign citizens, ethnic minorities and stateless persons in the fields of housing, employment and education. The Committee is also concerned about the legal status of a significant number of long-term residents in the State party who remain stateless.

481. While welcoming the measures taken by the State party to promote equality between men and women, including the establishment of the State Committee for Women's Issues and the adoption of the National Plan of Action on Women's Policy, the Committee on Economic, Social and Cultural Rights is concerned about the persistent gender inequalities in Azerbaijan, particularly in the field of employment.

482. While acknowledging the efforts made by the State party to reduce unemployment, including the adoption in 2004 of the Programme on the Socio-Economic Development of the Regions of Azerbaijan for 2004-2008, the Committee is concerned about the persistently high unemployment in the State party, in particular among women, youths, refugees and internally displaced persons.

483. The Committee is concerned about the lack of legislative provisions ensuring access of persons with disabilities to the labour market.

484. The Committee is concerned about the use of forced labour as a corrective measure or as a penal sentence against persons found guilty of a crime, as provided for in the Criminal Code and the Labour Code currently in force in the State party.

485. While noting the efforts taken by the State party to increase the minimum wage, the Committee is concerned that the current minimum wage is still insufficient to provide a decent standard of living for workers and their families. The Committee is further concerned that in practice the minimum wage is not always enforced, given the large percentage of the population that works in the informal sector.

486. The Committee regrets the extensive limitations imposed on the right to strike by the Labour Code of the State party, exceeding by far the ILO definition of essential services. The Committee also expresses concern about section 188-3 of the Criminal Code which punishes, including with imprisonment, collective action by trade unions when such action disrupts public transport, and about section 6, paragraph 1, of Act No. 792 on trade unions which prohibits all types of political activity by trade unions.

487. The Committee is concerned about the State party's plans to increase the volume of social benefits by decreasing the number of beneficiaries in order to ensure the appropriate level of life.

488. The Committee expresses serious concern at the lack of legal or policy mechanisms in the State party which specifically address domestic violence, in particular, violence against women. The Committee regrets that insufficient information was provided by the State party in its second periodic report and during the dialogue in this regard.

489. While welcoming the adoption in May 2004 of the National Plan to Fight Trafficking in Human Beings and the establishment of the Department to Fight Trafficking in Human Beings under the Ministry of Internal Affairs, the Committee remains concerned that trafficking in persons persists in Azerbaijan and notes that the State party is a country of origin and destination as well as a transit point for trafficking in persons. The Committee is also concerned at the lack of reliable information, including statistics, on the extent of the problem. In this connection, the Committee notes with regret that there is no legislation in the State party that specifically criminalizes trafficking in persons.

490. The Committee is seriously concerned about the reports of children who are illegally adopted from orphanages for the purpose of trafficking in organs.

491. In spite of the efforts made by the State party to improve the economic and social conditions of refugees and internally displaced persons, the Committee is concerned at the fact that they still do not enjoy an adequate standard of living.

492. The Committee is deeply concerned that despite the sizeable amount of foreign investment (14.5 billion United States dollars) and efforts by the State party to eliminate poverty, including the State Programme on Poverty Reduction and Economic Development for 2003-2005, poverty is estimated by the World Bank to affect approximately 50 per cent of the population (2003 data).

493. The Committee is concerned about the illegal occupation by refugees and internally displaced persons of properties belonging to Armenians and other ethnic minorities. The Committee is also concerned about the lack of adequate social housing units, particularly in Baku. The Committee further notes with regret the lack of information about forced evictions and the number of homeless persons in the State party.

494. While welcoming the extensive efforts made by the State party in the area of health, including measures to address the significant regional and urban disparities in health-care provision, the Committee remains concerned that the annual per capita spending on public health has been on the decline in recent years despite the rise in GDP. The Committee is concerned about the high incidence of malnutrition, infant mortality, iron deficiency disorders and malaria, especially among refugees and internally displaced persons. The Committee regrets that reliable statistical data in the field of health were not provided by the State party.

495. The Committee remains concerned about the low level of awareness of the general public in Azerbaijan of sexual and reproductive health issues, in particular with regard to the availability and use of contraceptives. The Committee is particularly concerned that a high proportion of women resort to abortion as the principal method of birth control, and about the high infant and maternal mortality rates. The Committee also regrets that no comprehensive sexual and reproductive health programme exists in the State party. The Committee is particularly concerned that the incidence of sexually transmitted diseases and HIV/AIDS is on the increase.

496. While welcoming the information provided by the State party's delegation that prison medical doctors are now under the supervision of the Ministry of Justice and that cases of human rights violation can be immediately brought to the attention of the Office of the

Commissioner for Human Rights of Azerbaijan, the Committee is concerned about overcrowding and sub-standard conditions in prisons in Azerbaijan which have given rise to a disproportionately high rate of tuberculosis and other health problems among prisoners.

497. The Committee is concerned that according to the Azerbaijan figures for 2004 published by the State Statistical Committee, the illicit preparation, storage and sale of narcotics has been on the rise since 1995 and that 2,049 cases were registered in 2003.

498. The Committee on Economic, Social and Cultural Rights is concerned that pursuant to article 19 of the Law on the Legal Status of Foreigners and Persons without Citizenship, the State party does not provide free compulsory education to non-Azerbaijani children. The Committee also expresses concern that the education standards in the State party have experienced a fall over the last decade owing to a number of factors, including lack of State investment in education.

E. Suggestions and recommendations

499. The Committee welcomes the adoption in December 2001 of the constitutional provision establishing the Office of the Commissioner for Human Rights of Azerbaijan with competence to receive complaints relating to violations of economic, social and cultural rights. In this connection, the Committee recommends that the State party consider establishing a national human rights institution in accordance with the Paris Principles.[7]

500. The Committee requests the State party to attach a copy of the State Programme on Protection of Human Rights to its third periodic report and to explain how the Programme promotes and protects economic, social and cultural rights.

501. The Committee draws the attention of the State party to the Committee's general comment No. 9 (1998) on domestic application of the Covenant and invites the State party to include information concerning case law on the application of the Covenant in its next periodic report.

502. The Committee urges the State party to ensure that legal and judicial training takes full account of the justiciability of the rights contained in the Covenant and promotes the use of the Covenant as a source of law in domestic courts.

503. The Committee strongly urges the State party to continue to take all necessary measures to ensure the independence and integrity of the judiciary and to combat corruption.

504. The Committee would appreciate receiving further information, in the next periodic report, on the impact of the privatization of State enterprises on the enjoyment of economic, social and cultural rights.

505. The Committee encourages the State party to submit in its next periodic report comparative statistical data collected annually, disaggregated by sex, age and urban/rural residence, paying particular attention to the disadvantaged and marginalized groups of society.

506. The Committee recommends that the State party take all measures to ensure that all persons under its jurisdiction enjoy the economic, social and cultural rights enshrined in the Covenant without discrimination and to facilitate regularization of the legal status of foreigners

residing in Azerbaijan whenever possible. Furthermore, the Committee requests the State party to provide in its next periodic report detailed information, including disaggregated statistical data, on the enjoyment of economic, social and cultural rights by ethnic minorities, foreign citizens and stateless persons.

507. The Committee calls upon the State party to adopt all effective measures to ensure equality between men and women in all fields of life, as provided for in article 2, paragraph 2, and article 3 of the Covenant, and to provide information in the next periodic report on the progress made in the field of gender equality, including detailed information on the implementation of the National Plan of Action on Women's Policy.

508. The Committee recommends that the State party continue strengthening programmes to reduce unemployment, targeting on a priority basis the most affected groups. The Committee calls upon the State party to provide information in its next periodic report on progress made in the field of employment stimulation, including the practical effects of the Programme on the Socio-Economic Development of the Regions of Azerbaijan for 2004-2008. The Committee recommends that the State party consider ratifying ILO Convention No. 2 (1919) concerning Unemployment.

509. The Committee recommends that the State party adopt relevant legislation and necessary administrative measures to ensure greater access to the labour market and an adequate working environment for persons with disabilities.

510. The Committee recommends that the State party abolish the use of forced labour either as a corrective measure or as a penal sentence against persons found guilty of a crime, and amend or repeal the relevant provisions of the Criminal Code and the Labour Code in accordance with article 6 of the Covenant.

511. The Committee urges the State party to continue to take the necessary measures to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is enforced. The Committee further encourages the State party to establish an effective system of indexation and regular adjustment of the minimum wage to the cost of living.

512. The Committee recommends that the State party take appropriate measures to amend the Labour Code and liberalize the existing limitations on the right to strike. The Committee further recommends that the State party amend or repeal section 188-3 of the Criminal Code and section 6, paragraph 1, of Act No. 792 on trade unions, to ensure that the right to collective bargaining and the right to join trade unions are duly respected, in accordance with article 8 of the Covenant.

513. The Committee recommends that the State party undertake measures to ensure that social security benefits are adequate. The Committee further recommends that the State party ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons, including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 (1952) concerning Minimum

Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

514. The Committee requests the State party to provide in its next periodic report detailed information on the extent of domestic violence, in particular, violence against women, and the legislative measures and policies adopted by the State party to address that phenomenon, including facilities and remedies provided for victims. The Committee urges that training be provided to law enforcement officials and judges on the serious and criminal nature of domestic violence, in particular, violence against women. The Committee further recommends that the State party allocate resources to ensure that crisis centres are available in which victims of domestic violence may obtain safe lodging and necessary assistance.

515. The Committee urges the State party to adopt legislation specifically criminalizing trafficking in human beings and to allocate sufficient resources for the effective implementation of the National Plan to Fight Trafficking in Human Beings, and to ensure that necessary protection and assistance are provided to victims of trafficking.

516. The Committee urges the State party to continue to ensure that perpetrators of illegal adoptions are duly prosecuted.

517. The Committee strongly recommends that the State party continue to take effective measures, including through the allocation of increased resources, to ensure the protection of the fundamental economic, social and cultural rights of refugees and internally displaced persons, in particular with regard to adequate housing, food and water, health services and sanitation.

518. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction policies and measures, and in this regard refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6] The Committee also recommends that the State party allocate larger portions of its oil revenues to the social sector and continue to seek international technical assistance, as provided for in article 23 of the Covenant. In this connection, the Committee calls upon the State party to ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations.

519. The Committee recommends that the State party take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by refugees and internally displaced persons are provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee and its general comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions. The Committee also recommends that the State party take the necessary measures to guarantee the right to adequate housing to all persons residing under its jurisdiction and to address the problem of the lack of adequate social housing units in the most expedient manner possible, particularly in Baku. In this connection, the Committee wishes to draw the attention of the State party to the Committee's general comment No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant). The Committee further requests the State party to provide, in its third periodic report, detailed information on the number and nature of forced evictions and on the extent of homelessness in the State party.

520. The Committee urges the State party to continue its efforts to improve its health services, inter alia through the allocation of adequate and increased resources. The Committee requests the State party to include information in its next periodic report on how the recently adopted health laws and policies have been implemented and on the progress made. The Committee encourages the State party to submit in its next periodic report comparative statistical data, collected annually, disaggregated by sex, age and urban/rural residence, paying particular attention to marginalized and disadvantaged groups.

521. The Committee recommends that the State party conduct a study on the incidence of sexually transmitted diseases and HIV/AIDS in Azerbaijan and develop a comprehensive sexual and reproductive health programme, including a public awareness-raising campaign about safe contraceptive methods. The Committee also urges the State party to take measures to reduce the maternal and infant mortality rates and to ensure that abortions are carried out under adequate medical and sanitary conditions. In accordance with its general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant), the Committee also recommends that the State party take urgent measures to combat the spread of HIV/AIDS.

522. The Committee recommends that the State party continue to take measures to improve the sanitary and hygienic conditions in prisons and to ensure that the right to mental and physical health of all prisoners in Azerbaijan is respected, in accordance with article 12 of the Covenant.

523. The Committee urges the State party to take effective measures to decrease the availability of illicit drugs in the territory of the State party through, inter alia, combating the root causes, and to provide information on the measures taken in the next periodic report.

524. The Committee calls upon the State party to take effective measures to ensure that all children under its jurisdiction have access to free compulsory education as a right, as stipulated in the Covenant, and to increase significantly public expenditure on education. In this regard the Committee further encourages the State party to consider amending the Law on the Legal Status of Foreigners and Persons without Citizenship. The Committee would appreciate receiving further information in the State party's third periodic report.

525. The Committee requests the State party to include in its third periodic report all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

526. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and, in particular, among State officials and the judiciary. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussions at the national level prior to the submission of the third periodic report.

527. The Committee requests the State party to submit its third periodic report before 30 June 2009.

CHILE

528. The Committee considered the third periodic report of Chile on the implementation of the Covenant (see E/1994/104/Add.26) at its 44th to 46th meetings, held on 18 and 19 November 2004, and made public, at its 56th meeting, held on 26 November, the following concluding observations.

A. Introduction

529. The Committee welcomes the submission of the third periodic report of the State party which was prepared in conformity with the Committee's guidelines. It also appreciates the comprehensive written replies to the list of issues (E/C.12/Q/CHL/1).

530. The Committee welcomes the constructive dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

B. Positive aspects

531. The Committee notes with appreciation the improvements in various social indicators, such as the significant decrease in infant and maternal mortality, the improved coverage in primary and secondary education, and the progress made in the area of poverty reduction.

532. The Committee welcomes the "No future without a past" initiative, which contributes to casting light on human rights violations that took place between 11 September 1973 and 10 March 1990 and to improving the promotion and protection of human rights in the State party.

533. The Committee welcomes the adoption and implementation of targeted programmes to improve the situation of the poorest groups in society, such as Chile's Solidarity-Based Social Protection System and the Plan for Universal Access with Explicit Guarantees.

534. The Committee welcomes measures taken to improve the situation of indigenous peoples, including the adoption of the Indigenous Act (Act No. 19253) of 1993, the establishment of the National Indigenous Development Corporation and the Indigenous Land and Water Fund, and the recently announced New Deal Policy with Indigenous Peoples (*Política de Nuevo Trato con los Pueblos Indígenas*) for 2004-2010.

535. The Committee welcomes the entry into force in November 2004 of the new Law on Civil Marriage, which legalizes divorce.

536. The Committee welcomes the adoption in January 2004 of the Law on Crimes of Commercial Sexual Exploitation.

537. The Committee welcomes the extensive information on the health-care situation provided by the State party, which includes disaggregated data on an annual basis, thus enabling the Committee to assess the level of realization of the right to health.

C. Factors and difficulties impeding the implementation of the Covenant

538. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant in the State party.

D. Principal subjects of concern

539. The Committee notes that the amendment of article 5 of the Constitution in 1989 extends the range of rights embodied in article 19 of the Constitution to include rights guaranteed by international treaties to which Chile is party. However, the Committee is concerned that some economic, social and cultural rights, including the right to housing, are not considered justiciable in the State party. In this regard the Committee notes the scarcity of case law in which the rights of the Covenant have been invoked before and directly applied by domestic courts.

540. The Committee notes with concern the lack of constitutional recognition of indigenous peoples in the State party and that indigenous peoples, despite the existence of various programmes and policies to improve their situation, remain disadvantaged in the enjoyment of their rights guaranteed by the Covenant. It also regrets that the State party has not ratified ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries, and that unsettled claims over indigenous lands and national resources remain a source of conflict and confrontation.

541. The Committee is deeply concerned about the application of special laws, such as the Law on State Security (No. 12927) and the law that defines terrorist acts and establishes the penalties (No. 18314), in the context of the current tensions over the ancestral lands in the Mapuche areas.

542. The Committee is concerned that despite the efforts made by the State party to promote gender equality, cultural gender stereotypes continue to affect negatively the equal enjoyment of economic, social and cultural rights by men and women.

543. The Committee notes with concern that the labour-force participation of women remains among the lowest in Latin America (35 per cent in 2002). The Committee notes in this regard the range of barriers to the full integration of women in the labour force identified by the State party in its written replies to the Committee's list of issues.

544. The Committee expresses concern at information that the minimum wage is still not sufficient to ensure a decent living for workers and their families

545. The Committee notes with concern that section 381 of the Labour Code provides for the possibility of the replacement of striking workers. Furthermore, the Committee is concerned that essential services in which strikes may be prohibited are too broadly defined in section 384.

546. The Committee is deeply concerned that the private pension system, based on individual contributions, does not guarantee adequate social security for a large segment of the population that does not work in the formal economy or is unable to contribute sufficiently to the system, such as the large group of seasonal and temporary workers. The Committee notes that women are particularly affected in this regard: "housewives" and about 40 per cent of working women

do not contribute to the social security scheme and are consequently not entitled to old-age benefits. Moreover, the Committee is concerned at the fact that working women are left with a much lower average pension than men as their retirement age is five years earlier than that of men.

547. The Committee is concerned that the legislative progress started 10 years ago to include sexual harassment as a specific punishable offence has still not been completed.

548. The Committee notes that section 349 of the Commercial Code discriminates against women who are not covered by the marital regime of the individual ownership of property.

549. The Committee is concerned about the high number of children working in the sex industry in the State party.

550. Despite the significant progress made over the past years and measures taken under the Solidarity-Based Social Protection System, which targets families living in extreme poverty, the Committee remains concerned about poverty in the State party, especially among indigenous peoples.

551. Despite the construction of many housing units, the Committee is concerned at the large number of people living in illegal settlements in the State party who are, consequently, liable to forced evictions.

552. The Committee is concerned about the consequences for women's health of the legal prohibition on abortion, without exceptions, in the State party. While there are no official statistics on the number of abortions performed annually, the large number of women who are hospitalized for abortion complications every year (34,479 in 2001) gives an indication of the extent of this problem.

553. The Committee is concerned that, despite the progress made in controlling the spread of HIV/AIDS infections in the State party, HIV/AIDS is still on the increase. It also notes with concern the high rates of sexually transmitted infections among young women.

554. The Committee is concerned about the scope of the planned law (on the reorganization of subsidies for industrial disablement and sick leave) which would involve a legislative restriction of the current law, permitting parents a subsidized leave from work to care for children under the age of 1 in the case of serious illness.

555. While noting the progress made in increasing education coverage, the Committee is concerned at the disparity in the quality of education offered in municipal and private schools. The Committee is also concerned about the relatively high dropout rates, especially among teenage girls.

E. Suggestions and recommendations

556. The Committee recommends that the State party continue its efforts to give full effect to the Covenant in domestic law and to provide further clarification as to the direct applicability of the Covenant by domestic courts, providing relevant case law, in its next periodic report. In this respect, it draws the attention of the State party to the Committee's

general comment No. 9 (1998) on domestic application of the Covenant. The State party should ensure that judicial training take full account of the justiciability of Covenant rights and take measures to increase awareness of the possibility of invoking its provisions before the courts.

557. The Committee recommends that the State party ensure the existence of an effective legal and institutional framework for the promotion and protection of all the rights of the Covenant.

558. The Committee encourages the State party to continue with its plans to establish an independent national human rights institution, in accordance with the Paris Principles,[7] mandated with the promotion and protection of all human rights, including economic, social and cultural rights.

559. The Committee recommends that the State party include recognition of its indigenous peoples in the Constitution, ratify ILO Convention No. 169 (1989), and continue to strengthen its efforts to ensure the effective enjoyment by indigenous people of their economic, social and cultural rights.

560. The Committee recommends that the State party fully take into consideration the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his report on his mission to Chile (see E/CN.4/2004/80/Add.3) on the implementation of the New Deal Policy with Indigenous Peoples for 2004-2010, namely that the Indigenous Land and Water Fund be substantially increased; that efforts to recover indigenous lands be stepped up, especially in Mapuche areas; and that conditions of rural indigenous people be improved, especially in the health and educational sectors.

561. The Committee recommends that the State party not apply special laws, such as the Law on State Security (No. 12927) and the law that defines terrorist acts and establishes the penalties (No. 18314), to acts related to the social struggle for land and legitimate indigenous complaints.

562. The Committee recommends that the State party further strengthen efforts to promote gender equality in all spheres of society, including by providing the National Women's Service with adequate support and resources.

563. The Committee urges the State party to take effective measures to address the many barriers to women's participation in the labour market. In particular, the State party should promote family-friendly working conditions and provide adequate funding and support to programmes to enable parents to reconcile family life and work, such as the blueprint for childcare being prepared by the National Women's Service. It also recommends that the State party incorporate the principle of equal remuneration for men and women workers for work of equal value in its legislation.

564. The Committee recommends, in line with the observations made in 2003 by the ILO Committee of Experts on the Application of Conventions and Recommendations on Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, that the State party explicitly repeal provisions in labour legislation which are no longer applied.

565. The Committee recommends that the State party take measures to ensure that the minimum wage is sufficient to ensure a decent living for all workers and their families and provide more detailed information in its next periodic report on how the minimum wage relates to the basic consumer basket.

566. The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

567. The Committee encourages the State party to ratify ILO Conventions No. 81 (1947) concerning Labour Inspection in Industry and Commerce, No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy and No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

568. The Committee encourages the State party to ensure that judicial authorities and members of political parties are not restricted in their trade union rights under article 8 of the Covenant. The State party is also encouraged to review section 381 of the Labour Code, that provides for the possibility of the replacement of striking workers, and section 384 that gives too broad a definition of essential services in which strikes may be prohibited.

569. The Committee recommends that the State party take effective measures to ensure that all workers are entitled to adequate social security benefits, including special measures to assist those groups that are currently not able to pay into the private social security system, paying special attention to the disadvantaged position of women and the large number of temporary and seasonal workers and workers in the informal economy.

570. The Committee encourages the State party to expedite the adoption of the proposed amendments to Act No. 19325 on domestic violence, currently under consideration.

571. The Committee recommends that the State party accelerate the adoption of the draft bill making sexual harassment a punishable offence.

572. The Committee recommends that the State party amend section 349 of the Commercial Code to ensure that women can exercise their commercial activities under equal conditions with men.

573. The Committee recommends that the State party strengthen measures to combat sexual abuse and commercial sexual exploitation of children and provide victims of such abuse with adequate care.

574. The Committee recommends that the State party undertake studies into the situation of street children with a view to formulating effective policies to deal with this problem.

575. The Committee encourages the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime.

576. The Committee recommends that the State party continue to strengthen its efforts to reduce poverty, especially among indigenous peoples, and to integrate economic, social and cultural rights in all its poverty alleviation programmes. In this regard, it refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.[6] It also recommends that the State party ensure that adequate resources are allocated towards meeting the goals and targets set under the Solidarity-Based Social Protection System and the Chile Barrio programme.

577. The Committee urges the State party to take effective measures to promote the right to housing, especially among the disadvantaged and marginalized groups, and to ensure that adequate protection is afforded to people living in illegal settlements who are liable to forced evictions. The Committee recalls in this connection its general comments No. 4 (1991) on the right to adequate housing (article 11, paragraph 1, of the Covenant) and No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions, and requests the State party to provide further information on the number and nature of forced evictions in its next periodic report.

578. The Committee requests the State party to provide in its next periodic report information about the nature and extent of homelessness in the State party.

579. The Committee recommends that the State party revise its legislation and decriminalize abortion in cases of therapeutic abortions and when the pregnancy is the result of rape or incest.

580. The Committee recommends that the State party strengthen measures to promote education programmes on sexual and reproductive health and to raise awareness about, and access to, safe contraception methods. It also recommends that the State party intensify its efforts, including through public information campaigns, to control the spread of sexually transmitted infections.

581. The Committee recommends that the State party intensify its efforts, including through public information campaigns, to control the spread of HIV/AIDS and other sexually transmitted infections, and provide, in its next periodic report, information on the effect of measures taken, including the effects of television and media campaigns, as well as the role played by civil society and by religious groups in this respect.

582. The Committee recommends that the State party review its proposed legislation on the reduction in the parental medical leave benefit system, with a view to ensuring that it will not represent a retrogressive measure affecting the minimum standards of the right to health, as outlined in the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (article 12 of the Covenant).

583. The Committee recommends that the State party ensure that women in the reproductive age are not discriminated against in the private health-care system.

584. The Committee requests the State party to provide, in its next periodic report, benchmarks regarding efforts to reduce waste and to recycle more of it.

585. The Committee recommends that the State party continue to strengthen efforts to improve the quality of education in municipal schools and to address the issue of dropouts, especially among teenage girls, including by securing adequate support for teenage mothers to continue their education.

586. The Committee encourages the State party to provide greater access to generic medicine making use of the flexibility clauses permitted in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement).

587. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials, including the armed forces, law enforcement personnel and the judiciary.

588. The Committee requests the State party to disseminate its concluding observations widely to all levels of society, including among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other members of civil society in the preparation of its fourth periodic report.

589. The Committee requests the State party to submit its fourth periodic report by 30 June 2009.

CHAPTER V

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

Cooperation with specialized agencies: second meeting of the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education

590. The Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/ Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education[11] held its second meeting during the thirty-second session of the Committee on Economic, Social and Cultural Rights. The agenda for the meeting[12] reflected the priorities mentioned in decision 167 EX/5.8,[13] adopted by the UNESCO Executive Board at its one hundred and sixty-seventh session on 23 September 2003, following the first

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[11] The Joint Expert Group, established by decision 5.4 adopted by the UNESCO Executive Board at its 162nd session in October 2001, held its first meeting at UNESCO headquarters on 19 May 2003. The Joint Expert Group is composed of four members: Ms. Virginia Bonoan-Dandan and Mr. Eibe Riedel, respectively Chairperson and Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, representing the Committee; and Messrs. Cornelis Pigot and Klaus Hüfner, members of the Committee on Conventions and Recommendations and representing it.

[12] The agenda of the second meeting of the Joint Expert Group (3-4 May 2004) was as follows:

1. Cooperation between the UNESCO Committee on Conventions and Recommendations and the United Nations Committee on Economic, Social and Cultural Rights: follow-up to the first meeting of the Joint Expert Group of 19 May 2003 and to decision 167 EX/5.8, adopted by the UNESCO Executive Board on 23 September 2003.

2. Research and studies on questions of key importance for strengthening the legal foundations of the right to education.

3. Complementarity in monitoring the implementation of article 13 of the Covenant, on the right to education, and the UNESCO Convention against Discrimination in Education.

4. Defining strategies for future cooperation.

[13] In paragraph 6 of this decision the UNESCO Executive Board:

"*Requests* the Joint Expert Group to give priority to the following issues:

(a) Strengthening of the foundations of the right to education in national legal systems on the basis of international legal obligations;

(b) Suggestions and possible options for integrating the reporting obligations of the States parties to the Convention against Discrimination in Education and those of the States parties to the International Covenant on Economic, Social and Cultural Rights in accordance with articles 13 and 14 of the Covenant;

meeting of the Joint Expert Group. As foreseen at the first meeting,[14] members of the Joint Expert Group from the UNESCO Committee on Conventions and Recommendations were invited at the outset to observe the dialogue the Covenant conducts with the States parties to the Covenant, while a State party is reporting, and how general comment No. 13 (1999) on the right to education (article 13 of the Covenant) is used in reporting. This was followed by a brief dialogue with the members of the Committee on Economic, Social and Cultural Rights, during which the ongoing collaboration between the Committee and UNESCO in the field of the right to education and the key areas for discussions were highlighted. The Chairperson of the Committee on Economic, Social and Cultural Rights recalled the importance of the Joint Expert Group as being historic.

591. The meeting, presided over by Mr. Hüfner, took place in a collegial spirit. Mr. A. Yusuf, Director of the UNESCO Office of International Standards and Legal Affairs, informed the Joint Expert Group that suggestions it had made during its first meeting had been taken into consideration in the Rules of Procedure concerning recommendations to member States and international conventions covered by the terms of article IV, paragraph 4, of the UNESCO Constitution, part VI of which the UNESCO General Conference had amended at its thirty-second session on 15 October 2003 in its resolution 32 C/77.

592. In continuity with its first meeting, the Joint Expert Group attached high significance to practical ways of complementarity in the work of the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations in the monitoring of the right to education. The thrust of the discussion was to identify core issues in a spirit of bringing the two reporting systems closer. Given the fact that there are 83 States which are parties to both the UNESCO Convention against Discrimination in Education and the Covenant, concern was expressed about the risk of overlapping in the work of the committees as well as for the States parties. There was a consensus that although there was some overlapping, the two instruments were in essence different. Rather than examining the reports submitted by member States on the implementation of the Convention individually, the current practice of the Committee on Conventions and Recommendations was to examine a synthesis report prepared by the UNESCO secretariat. The reporting procedure on the implementation of the Convention had a general nature with a focus on the global status of its implementation in the world rather than examining individual State reports, while the reporting procedure on the Covenant was an individual one, focused on the State party and the status of the implementation of the Covenant provisions. Despite these differences, the experts agreed that there were possible ways to make intelligent use of both procedures and the corresponding information with regard to the right to education. To further define the areas of synergies and shared interests in the process of streamlining, it was stated that both the Covenant and the Convention should be carefully examined as a starting point, guided by general comments and the revised Guidelines of the Committee on Economic, Social and Cultural Rights used for monitoring work.[15] Reducing the State burden in reporting was a guiding factor. With a view to providing a comparative

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[14] See *Official Records of the Economic and Social Council, 2004, Supplement No. 2* (E/2004/22-E/C.12/2003/14), chap. V, sect. A, para. 575.

[15] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8 and

perspective for greater complementarity in monitoring the right to education, the experts recommended that a document should be prepared which would bring out the common features as well as the differences in the Convention and the Covenant, along with a chart of equivalent provisions and the States which are parties to both the Convention and the Covenant.

593. Views were exchanged during the meeting on the concept of the rights-based approach and the rights framework in relation to the right to education. It was pointed out that while monitoring the implementation of the right to education, the Committee on Economic, Social and Cultural Rights bears in mind the overall impact of the Covenant as well as that of discrimination on the right to education. Moreover, article 13 of the Covenant is linked with its article 2, paragraph 2, and article 3. Consideration could be given to a similar approach as regards the implementation of the Convention. The essential question was how to translate in practical terms the rights-based approach.

594. The experts deliberated at length over the questions relating to the foundations of the right to education in the legal system. The dialogue that the Committee on Economic, Social and Cultural Rights maintains with the States parties to the Covenant focuses on the legal framework and practical impact of laws developed in line with State obligations under the Covenant. In monitoring the right to education, looking at the legislative setting and the constitution both in law and in fact was crucial. Concrete national-level situations giving life to the letters of the legal provisions were critically important. Besides, the experts emphasized the significance of institutional mechanisms of implementation and application of the legislative framework as well as equity issues as regards the obligation of member States. They recommended that the legal foundation of the right to education should be given highest priority.

595. In that perspective, the Joint Expert Group underlined the need to elaborate on the complementarity of the two bodies in normative action. The importance of the legal framework of implementation and application of national laws in relation to education for all was recognized. The normative framework for the right to education as well as its application was highly significant. The proactive role of UNESCO and the technical assistance being provided to member States for modernizing legislation for education for all deserved enhanced support. Reflections upon the normative implications of the Dakar Framework for Action, adopted at the World Education Forum, were very valuable in that context. The experts reiterated the need for research and studies and analysis of education laws in several areas, such as how international obligations on the right to education are incorporated into the domestic legal order; how the right to basic education as a fundamental right was integrated into constitutions; and how national laws were applied. They recommended that the organization of an expert seminar on the right to education, its normative framework and its application should be taken up on a priority basis.

596. As at the first meeting, the need for certain operational definitions which could provide elements necessary for measuring the progress in the realization of the right to education was reiterated. Such operational definitions were considered important to put the work of the secretariat into a broader and well-defined context. They were a crucial factor for clarity. The Joint Expert Group, therefore, agreed that one focus of the cooperation between the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations had to be the elaboration of operational definitions in particular with regard to the right to education on the grounds of legal parameters and general comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights. Questions such as how basic education

differed from education; what the legal parameters of lifelong education were, for instance, must have a common conceptual framework. The Joint Expert Group, therefore, recommended that it was highly necessary to organize an expert seminar on definitional questions.

597. The experts discussed how cooperation between the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations should be organized during the whole process. It was stressed that it was important not only to consider the options and possibilities but also at that early stage of consideration to bear in mind the implementation and effective realization of the right to education. UNESCO, a specialized agency within the United Nations system, should assist the work of the Committee on Economic, Social and Cultural Rights by providing data and information on States parties to the Covenant *ex ante* as an institutional attempt to make the data more objective. In this respect, the role of ILO in the work of the Committee on Economic, Social and Cultural Rights was cited.[16] Based on such information, members of the Committee could raise questions to the States parties as proposed by UNESCO. It was recalled that UNESCO disseminated the concluding observations the Committee on Economic, Social and Cultural Rights adopted for follow-up action by the State party after the consideration of the reports. In those concluding observations, the Committee advised States parties to seek assistance from UNESCO. With regard to the *ex post* procedure, UNESCO would receive the report and the concluding observations immediately after the sessions of the Committee on Economic, Social and Cultural Rights. Action taken by UNESCO within the framework of the follow-up to the concluding observations could be very helpful. Overall, the Joint Expert Group agreed on the acceleration of exchange of information between the Committee on Economic, Social and Cultural Rights and UNESCO in the field of education.

598. Another item discussed was the question of developing indicators for measuring the progressive realization of the right to education. Although many indicators relating to education as such existed, indicators measuring the right to education were underdeveloped.[17] In this respect, the importance of general key indicators and State obligations as well as indicators for the measurement of the obligations to respect, to protect and to fulfil was stressed. The experts dwelt upon the responsibility of the UNESCO Institute for Statistics as a main source for reliable and comparable statistics with regard to education. As the data were already computerized, they could be provided in the short term, although no aggregated data with regard to the right to education as such would yet be available. It was recommended that closer cooperation with the Institute for Statistics and the Education for All Global Monitoring Report Team be institutionalized.

599. In the context of discussion on the core issues, the question of guidelines for assisting member States in structuring the reports on the implementation of the Convention was discussed. In the spirit of promoting complementarity in monitoring, it was suggested that these guidelines

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[16] ILO submits reports concerning special information about member States in its field of competence, which are regarded as extremely helpful in the practice of the Committee, since data on an objective basis are of utmost importance for the measurement of the progressive realization of economic, social and cultural rights.

[17] The Joint Expert Group took into consideration a scientific seminar, organized by the International Organization for the Development of Freedom of Education in 2003 with regard to the measurement of the progressive realization of cultural rights and especially of the right to education by indicators. This could be extremely important with regard to the legal framework and could embrace practical application of the right to education as well.

should be prepared, bearing in mind relevant guidelines of the United Nations system, the revised Guidelines used by the Committee on Economic, Social and Cultural Rights and its general comment No. 13 (1999). This would contribute to integrating the reporting obligations of the States parties to the Convention and those of the States parties to the Covenant (articles 13 and 14 on the right to education). It was agreed that it had to be defined how the input of the Committee in this process within UNESCO could be enforced.

600. Furthermore, the Joint Expert Group discussed the importance of the UNESCO National Commissions as a main means of strengthening the legal foundations of the right to education as deriving from international obligations and of establishing a dialogue at the national level. This "untapped resource" of UNESCO could be very helpful to empower and mobilize civil society. The discussion indicated the need for actively involving the UNESCO National Commissions in the State reporting and the follow-up as they could be a source of reliable information with regard to the implementation and realization of human rights and in particular the right to education.

601. The experts gave consideration to the meeting of States parties to the Convention against Discrimination in Education, to be organized in October 2005 on the sidelines of the thirty-third session of the General Conference of UNESCO, so that they can adopt appropriate measures to improve the reporting procedures on the Convention, as stipulated in decision 165 EX/6.2, adopted at its one hundred and sixty-fifth session. It was suggested that the Joint Expert Group could be a driving force as regards the organization of this meeting.

602. While concluding the meeting, it was decided that the report of the Joint Expert Group would include the summary of discussions, along with suggestions and a set of recommendations. After its approval by the members of the Joint Expert Group, this will be presented as a document by the Chairman of the Committee on Conventions and Recommendations to the forthcoming session in September/October 2004, and by the Chairperson of the Committee on Economic, Social and Cultural Rights to its thirty-third session in November 2004.

603. Finally, it was proposed that the next meeting of the Joint Expert Group could be planned in October 2004 on the occasion of the one hundred and seventieth session of the UNESCO Executive Board, or in January 2005, and the subsequent meeting in April 2005 during the thirty-fourth session of the Committee on Economic, Social and Cultural Rights in Geneva. The Chairperson of this Committee in her general conclusions on behalf of the Joint Expert Group commended the work done by the secretariats of both the Committee and UNESCO.

CHAPTER VI

Decisions adopted and matters discussed by the Committee at its thirty-second and thirty-third sessions

A. General comments

604. At its thirty-second session, the Committee, as a follow-up to its day of general discussion on the equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the Covenant), at its twenty-eighth session on 13 May 2002, continued its discussions on the draft general comment on article 3 of the Covenant. At the same session, the Committee, as a follow-up to its day of general discussion on the right to work (article 6 of the Covenant), at its thirty-first session on 24 November 2003, began its consideration and adoption of the draft general comment on article 6 of the Covenant. At its thirty-third session, the Committee continued its consideration of the draft general comment on article 3 of the Covenant and began its discussion on the draft general comment on article 15, paragraph 1 (*c*), of the Covenant (the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author).

B. Cooperation with special procedures' mechanisms of the Commission on Human Rights

605. The Committee, at its thirty-second session under agenda item "Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights", had a meeting with Ms. C. de Albuquerque, Chairperson-Rapporteur of the open-ended Working Group of the Commission on Human Rights with a view to considering options regarding the elaboration of an optional protocol to the Covenant. In response to Commission resolution 2004/29, adopted on 19 April 2004, in paragraph 14 (*c*) of which it invited a representative of the Committee to attend meetings of the Working Group as a resource person, the Committee designated Mr. E. Riedel to represent it at the next meeting of that Working Group. Mr. G. Malinverni was designated as alternate for this purpose.

606. At its thirty-third session, on 15 November 2004, members of the Committee met the Chairperson-Rapporteur of the Working Group who informed them of the status of preparations for the second meeting of the Working Group, due to be held from 10 to 21 January 2005, and the modalities of cooperation between the Committee and the Working Group were discussed.

607. Committee members expressed their unanimous support for establishing a communications procedure under an optional protocol to the Covenant and their appreciation for the efforts of the Chairperson-Rapporteur of the Working Group in moving forward the process. Committee members also welcomed the approach taken by the Working Group of consulting widely with treaty bodies as well as with other international and regional human rights mechanisms with communications procedures with a view to learning from their experiences. The Chairperson-Rapporteur noted that the Committee had an important role to play in explaining to States what kind of cases it might consider under a communications procedure. Committee members agreed that time should be dedicated to this issue at the Committee's next meeting with States parties, scheduled for 10 May 2005.

608. With regard to the draft optional protocol prepared by Committee and submitted to the Commission on Human Rights in 1997,[18] the Committee hoped it would serve as a useful starting point for discussions in the Working Group. The Committee reaffirmed its position, stated in its report to the Commission,[18] concerning the desirability of a comprehensive and inclusive approach, whereby a communications procedure would apply to all of the substantive rights of the Covenant and both individuals and groups would be granted *locus standi*.

C. Cooperation with specialized agencies

UNESCO

609. The UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) Joint Expert Group on the Monitoring of the Right to Education held its second meeting on 3 and 4 May 2004 in Geneva. It decided that the third meeting would be held in Paris, at UNESCO headquarters, during the thirty-fourth session of the Committee in May 2005. The Committee also had a fruitful discussion with UNESCO representatives on strengthening cooperation between UNESCO and the Committee with a view to promoting and protecting the right to education (see chapter V above).

FAO

610. Two Committee members participated in the Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, convened by FAO. During the sessions, Committee members, together with representatives of other United Nations bodies, participated in a constructive dialogue with State representatives and non-governmental organizations, presenting the views of the Committee and helping to elucidate several issues. Among the issues discussed was the relevance of the Committee's general comment No. 12 (1999) - on the right to adequate food (article 11 of the Covenant) - to the debate and of its inclusion in the text. In the final document, general comment No. 12 (1999) is referred to as providing the views of Committee experts on the progressive realization of the right to adequate food. The spirit and language of the general comment are also reflected in parts of the final text.

ILO

611. At its thirty-third session, on 25 November 2004, the Committee held an informal meeting with members of the ILO Committee of Experts on the Application of Conventions and Recommendations. This was the second meeting between the two Committees (the first meeting was held in November 2003) with the aim of strengthening cooperation between the two treaty monitoring bodies. Main issues discussed were complementarities between treaty monitoring

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[18] See *Official Records of the Economic and Social Council, 1997, Supplement No. 2* (E/1997/22-E/C.12/1996/6), annex IV.

under the Covenant and ILO Conventions and follow-up to the Committees' concluding observations at national level within the framework of the Secretary-General's action 2 programme.[19]

D. The Secretary-General's proposals on the United Nations human rights treaty bodies system

612. At its thirty-third session, pursuant to the recommendation of the Third Inter-Committee Meeting of Human Rights Treaty Bodies (A/59/254, annex, sect. VI, point of agreement IV) that was endorsed by the sixteenth Meeting of Chairpersons of these bodies, the Committee held a discussion on "the draft proposed guidelines and other matters relating to the harmonization of [the committees'] reporting guidelines". The Committee's views were transmitted to Mr. K. Filali, designated rapporteur of the meetings, to follow up with the recommendation for all treaty bodies to discuss the outcome of the meetings and report back to the Inter-Committee Meeting and the Meeting of Chairpersons in 2005.

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[19] See A/57/387 and Corr.1.

CHAPTER VII

Adoption of the report

613. At its 56th meeting, held on 26 November 2004, the Committee considered its draft report to the Economic and Social Council on the work of its thirty-second and thirty-third sessions (E/C.12/2004/CRP.1). The Committee adopted the report as amended during the discussions.

ANNEXES

Annex I

States parties to the Covenant and status of submission of reports (as of 26 November 2004)

A. Initial and second periodic reports

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46 and 47)			E/1990/6/Add.26 (E/C.12/2001/SR.65 and 66)		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.30-32)		E/1988/5/Add.4 and Add.8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (E/C.12/1999/SR.33-36)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38-40)			Overdue		
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12 and 13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13 and 14	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3 and 4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)			E/1990/6/Add.37 (E/C.12/2004/SR.41-43)		
10. Bangladesh	5 January 1999	Overdue					
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6 and 7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14 and 15)	Overdue		
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9 and 10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (E/C.12/2000/SR.64-66)		
14. Benin	12 June 1992	E/1990/5/Add.48 (E/C.12/2002/SR.8-10			Due on 30 June 2007		

Annex I (*continued*)

State party	Date of entry into force	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
15. Bolivia	12 November 1982	E/1990/5/Add.44 (E/C.12/2001/SR.15-17			Due on 30 June 2005		
16. Bosnia and Herzegovina	6 March 1993	E/1990/5/Add.65 (Received on 21 July 2004) (Pending consideration)					
17. Brazil	24 April 1992	E/1990/5/Add.53 (E/C.12/2003/SR.8-10)			Due on 30 June 2006		
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
19. Burkina Faso	4 April 1999	Overdue					
20. Burundi	9 August 1990	Overdue					
21. Cambodia	26 August 1992	Overdue					
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	E/1986/3/Add.8 (E/C.12/1989/ SR.6 and 7)	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	Overdue		
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1 and 2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6 and 7)	
24. Cape Verde	6 November 1993	Overdue					
25. Central African Republic	8 August 1981	Overdue					
26. Chad	9 September 1995	Overdue					
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8 and 9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12, 13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11 and 12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12, 13 and 16)	Overdue
28. China	27 June 2001	E/1990/5/Add.59 (Pending consideration)					
29. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
30. Congo	5 January 1984	Overdue (without report: E/C.12/2000/SR.16 and 17)					
31. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
32. Côte d'Ivoire	26 June 1992	Overdue					
33. Croatia	8 October 1991	E/1990/5/Add.46 (E/C.12/2001/SR.69-71)			Due on 30 June 2006		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
34. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7 and 8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	
35. Czech Republic	1 January 1993	E/1990/5/Add.47 (E/C.12/2002/SR.3-5)			Due on 30 June 2007		
36. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21 and 22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21 and 22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	E/1990/6/Add.35 (E/C.12/2003/SR.44-46)		
37. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7 (E/C.12/1988/SR.16-19)	E/1982/3/Add.41	Overdue		
38. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8 and 9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8 and 9)	
39. Djibouti	5 February 2003	Due on 30 June 2005					
40. Dominica	17 September 1993	Overdue					
41. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
42. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4 and 5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	E/1990/6/Add.36 (E/C.12/2004/SR.15-17)	
43. Egypt	14 April 1982	E/1990/5/Add.38 (E/C.12/2000/SR.12 and 13)			Overdue		
44. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)			Overdue		
45. Equatorial Guinea	25 December 1987	Overdue					
46. Eritrea	17 July 2001	Overdue					
47. Estonia	21 January 1992	E/1990/5/Add.51 (E/C.12/2002/SR.41-43)			Due on 30 June 2007		
48. Ethiopia	11 September 1993	Overdue					
49. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7 and 8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17 and 18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8, 9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
50. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18, 19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12 and 13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	E/1990/6/Add.27 (E/C.12/2001/SR.67 and 68)		

Annex I (*continued*)

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
51. Gabon	21 April 1983	Overdue					
52. Gambia	29 March 1979	Overdue					
53. Georgia	3 August 1994	E/1990/5/Add.37 (E/C.12/2000/SR.3-5)			E/1990/6/Add.31 (E/C.12/2002/SR.35 and 36)		
54. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5 and 6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19 and 20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35 and 36)
55. Ghana	7 December 2000	Overdue					
56. Greece	16 August 1985	E/1990/5/Add.56 (E/C.12/2004/SR.6-8)			Due on 30 June 2009		
57. Grenada	6 December 1991	Overdue					
58. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			E/1990/Add.34/Rev.1 (E/C.12/2003/SR.38 and 39)		
59. Guinea	24 April 1978	Overdue					
60. Guinea-Bissau	2 October 1992	Overdue					
61. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
62. Honduras	17 May 1981	E/1990/5/Add.40 (E/C.12/2001/SR.5-8)			Due on 30 June 2006		
63. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
64. Iceland	22 November 1979	E/1990/5/Add.6 (E/C.12/1993/SR.29-31) and Add.14 and Corr.1			E/1990/6/Add.15 (E/C.12/1999/SR.3-5)		
65. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16, 17 and 19)	Overdue		
66. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		

Annex I (*continued*)

State party	***Date of entry into force***	***Initial reports***			***Second periodic reports***		
		Articles 6-9	***Articles 10-12***	***Articles 13-15***	***Articles 6-9***	***Articles 10-12***	***Articles 13-15***
		(Summary records of consideration of reports)					
67. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3 and 4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
68. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14-16)			E/1990/6/Add.29 (E/C.12/2002/SR.6 and 7)		
69. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31-33)			E/1990/6/Add.32 (E/C.12/2001/SR.17, 18 and 19; E/C.12/1/Add.90)		
70. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3 and 4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
71. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	E/1990/6/Add.28 (E/C.12/2001/SR.73)	
72. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9 and 10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20, 21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12 and 13)	E/1990/6/Add.21 and Corr.1 (E/C.12/2001/SR.42-43)		
73. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (E/C.12/2000/SR.30-33)		
74. Kenya*	3 January 1976	Overdue			Overdue		
75. Kuwait	31 August 1996	E/1990/5/Add.57 (E/C.12/2004/SR.9-11)			Due on 30 June 2009		
76. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (E/C.12/2000/SR.42-44)			Due on 30 June 2005		
77. Latvia	14 July 1992	Overdue					
78. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
79. Lesotho	9 December 1992	Overdue					
80 Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20 and 21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16 and 17)	E/1990/6/Add.38 (Received on 4 June 2004 - pending consideration)		
81. Liechtenstein	10 March 1999	E/1990/5/Add.66 (Received on 4 October 2004 - pending consideration)					
82. Lithuania	20 February 1992	E/1990/5/Add.55 (E/C.12/2004/SR.3-5)			Due on 30 June 2009		
83. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48 and 49)		

Annex I (*continued*)

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
84. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2, 3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	
85. Malawi	22 March 1994	Overdue					
86. Mali	3 January 1976	Overdue					
87. Malta	13 December 1990	E/1990/5/Add.58 (E/C.12/2004/SR.32 and 33)			Due on 30 June 2009		
88. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		
89. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14 and 15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35)		
90. Monaco	28 November 1997	E/1990/5/Add.64 (Received on 27 April 2004 - pending consideration)					
91. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8 and 9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15 and 16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
92. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20 (E/C.12/2000/SR.70-72)		
93. Namibia	28 February 1995	Overdue					
94. Nepal	14 August 1991	E/1990/5/Add.45 (E/C.12/2001/SR.44-46)			Due on 30 June 2006		
95. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5 and 6) (E/C.12/1989/ SR.14 and 15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14 and 15)	E/1990/6/Add. 11-13 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14 and 15)	E/1990/6/Add.11-13 (E/C.12/1998/ SR.13-17)
96. New Zealand	28 March 1979	E/1990/5/Add.5, Add.11 and 12 (E/C.12/1993/SR.24-26)			E/1990/6/Add.33 (E/C.12/2003/SR.11 and 12)		
97. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16, 17 and 19)	E/1986/3/Add.15 and 16 (E/C.12/1993/ SR.27 and 28)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
98. Niger	7 June 1986	Overdue					
99. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-8)			Overdue		
100. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14 and 15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)

Annex I (*continued*)

State party	***Date of entry into force***	***Initial reports***			***Second periodic reports***		
		Articles 6-9	***Articles 10-12***	***Articles 13-15***	***Articles 6-9***	***Articles 10-12***	***Articles 13-15***
		(Summary records of consideration of reports)					
101. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)
102. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)			Overdue		
103. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14-17)		Overdue		
104. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8, 9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
105. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18 and 19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9 and 10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5 and 6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
106. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
107. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			E/1990/6/Add.23 (E/C.12/2001/SR.12-14)		
108. Republic of Moldova	26 March 1993	E/1990/5/Add.52 (E/C.12/2003/SR.32-34)			Due on 30 June 2008		
109. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16 and 17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17 and 18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
110. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14 and 15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11 and 12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9 and 10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
111. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	
112. Saint Vincent and the Grenadines	9 February 1982	Overdue					
113. San Marino	18 January 1986	Overdue					

Annex I (*continued*)

State party	*Date of entry into force*	*Initial reports*			*Second periodic reports*		
		Articles 6-9	*Articles 10-12*	*Articles 13-15*	*Articles 6-9*	*Articles 10-12*	*Articles 13-15*
		(Summary records of consideration of reports)					
114. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37 and 38)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	E/1990/6/Add.25 (E/C.12/2001/SR.32 and 33)		
115. Serbia and Montenegro	12 March 2001	E/1990/5/Add.61 (Pending consideration)					
116. Seychelles	5 August 1982	Overdue					
117. Sierra Leone	23 November 1996	Overdue					
118. Slovakia	28 May 1993	E/1990/5/Add.49 (E/C.12/2002/SR.30-32)			Due on 30 June 2007		
119. Slovenia	6 July 1992	E/1990/5/Add.62 (Received on 26 March 2004 - pending consideration)					
120. Solomon Islands	17 March 1982	Overdue (without report: E/C.12/1999/SR.9) E/1990/5/Add.50 (E/C.12/2002/SR.38 and 39)			Due on 30 June 2005		
121. Somalia	24 April 1990	Overdue					
122. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10 and 11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
123. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)			Overdue		
124. Sudan	18 June 1986	E/1990/5/Add.41 (E/C.12/2000/SR.36 and 38-41)			Overdue		
125. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13, 15 and 16)			Overdue		
126. Swaziland	26 June 2004	Due on 30 June 2006					
127. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19 and 20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10 and 11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
128. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37-39)			Overdue		
129. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
130. Tajikistan	4 April 1999	Overdue					
131. Thailand	5 December 1999	Overdue					
132. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					

Annex I (*continued*)

State party	***Date of entry into force***	***Initial reports***			***Second periodic reports***		
		Articles 6-9	***Articles 10-12***	***Articles 13-15***	***Articles 6-9***	***Articles 10-12***	***Articles 13-15***
		(Summary records of consideration of reports)					
133. Timor-Leste	16 July 2003	Due on 30 June 2005					
134. Togo	24 August 1984	Overdue (without report: E/C.12/2001/SR.19 and 25)					
135. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	E/1990/6/Add.30 (E/C.12/2002/SR.15 and 16)		
136. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5 and 6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (E/C.12/1999/SR.17-19)		
137. Turkey	23 December 2003	Due on 30 June 2005					
138. Turkmenistan	1 August 1997	Overdue					
139. Uganda	21 April 1987	Overdue					
140. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5 and 6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11 and 12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
141. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16 and 17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16 and 17) E/1986/4/Add.27 and 28 (E/C.12/1994/ SR.33, 34, 36 and 37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33, 34, 36 and 37)
142. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
143. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
144. Uzbekistan	28 December 1995	E/1990/5/Add.63 (Received on 14 April 2004 - pending consideration)					
145. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7, 8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.19 (E/C.12/2001/SR.3-5)		
146. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11)			Overdue		
147. Yemen	9 May 1987	E/1990/5/Add.54 (E/C.12/2003/SR.35-37)			Due on 30 June 2008		
148. Zambia	10 July 1984		E/1990/5/Add.60 (Pending consideration)				
149. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14)			Overdue		

Annex I (*continued*)

B. Third and fourth periodic reports

State party	*Date of entry into force*	*Third periodic reports*	*Fourth periodic reports*
		(Summary records of consideration of reports)	
1. Afghanistan	24 April 1983		
2. Albania	4 January 1992		
3. Algeria	12 December 1989	Due on 30 June 2006	
4. Angola	10 April 1992		
5. Argentina	8 November 1986	Overdue	
6. Armenia	13 December 1993		
7. Australia	10 March 1976	E/1994/104/Add.22 (E/C.12/2000/SR.45-47)	Due on 30 June 2005
8. Austria	10 December 1978	E/1994/104/Add.28 (Received on 5 April 2004 - pending consideration)	
9. Azerbaijan	13 November 1992	Due on 30 June 2009	
10. Bangladesh	5 January 1999		
11. Barbados	3 January 1976		
12. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34-36)	Overdue
13. Belgium	21 July 1983	Due on 30 June 2005	
14. Benin	12 June 1992		
15. Bolivia	12 November 1982		
16. Bosnia and Herzegovina	6 March 1993		
17. Brazil	24 April 1992		
18. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30-32)	Overdue
19. Burkina Faso	4 April 1999		
20. Burundi	9 August 1990		
21. Cambodia	26 August 1992		
22. Cameroon	27 September 1984		
23. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46-48)	E/C.12/4/Add.15 (Received on 4 October 2004 - pending consideration)
24. Cape Verde	6 November 1993		
25. Central African Republic	8 August 1981		
26. Chad	9 September 1995		

Annex I (*continued*)

State party	*Date of entry into force*	*Third periodic reports (Summary records of consideration of reports)*	*Fourth periodic reports*
27. Chile	3 January 1976	E/1994/104/Add.26 (E/C.12/2004/SR.44-46)	Due on 30 June 2009
28. China	27 June 2001		
29. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.32, 33 and 35)	E/C.12/4/Add.6 (E/C.12/2001/SR.63 and 64); fifth periodic report due on 30 June 2006
30. Congo	5 January 1984		
31. Costa Rica	3 January 1976		
32. Côte d'Ivoire	26 June 1992		
33. Croatia	8 October 1991		
34. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34-36)	Overdue
35. Czech Republic	1 January 1993		
36. Democratic People's Republic of Korea	14 December 1981	Due on 30 June 2008	
37. Democratic Republic of the Congo	1 February 1977		
38. Denmark	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11-13)	E/C.12/4/Add.12 (E/C.12/2004/SR.35-37); fifth periodic report due on 30 June 2009
39. Djibouti	5 February 2003		
40. Dominica	17 September 1993		
41. Dominican Republic	4 April 1978	Overdue	
42. Ecuador	3 January 1976	Due on 30 June 2009	
43. Egypt	14 April 1982		
44. El Salvador	29 February 1980		
45. Equatorial Guinea	25 December 1987		
46. Eritrea	17 July 2001		
47. Estonia	21 January 1992		
48. Ethiopia	11 September 1993		
49. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1996/SR.37, 38 and 40)	E/C.12/4/Add.1 (E/C.12/2000/SR.61-63); fifth periodic report due on 30 June 2005
50. France	4 February 1981	Due on 30 June 2006	
51. Gabon	21 April 1983		
52. Gambia	29 March 1979		
53. Georgia	3 August 1994	Due on 30 June 2007	

Annex I (*continued*)

State party	*Date of entry into force*	*Third periodic reports* *(Summary records of consideration of reports)*	*Fourth periodic reports*
54. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40-42)	E/C.12/4/Add.3 (E/C.12/2001/SR.48 and 49): fifth periodic report due on 30 June 2006
55. Ghana	7 December 2000		
56. Greece	16 August 1985		
57. Grenada	6 December 1991		
58. Guatemala	19 August 1988	Due on 30 June 2008	
59. Guinea	24 April 1978		
60. Guinea-Bissau	2 October 1992		
61. Guyana	15 May 1977		
62. Honduras	17 May 1981		
63. Hungary	3 January 1976	Overdue	
64. Iceland	22 November 1979	E/1994/104/Add.25 (E/C.12/2003/SR.14-16)	Due on 30 June 2008
65. India	10 July 1979		
66. Iran (Islamic Republic of)	3 January 1976		
67. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33-35)	Was due on 30 June 2000
68. Ireland	8 March 1990	Due on 30 June 2007	
69. Israel	3 January 1992	Due on 30 June 2008	
70. Italy	15 December 1978	E/1994/104/Add.19 (E/C.12/2000/SR.6-8)	E/C.12/4/Add.13 (E/C.12/2004/SR.38-40); fifth periodic report due on 30 June 2009
71. Jamaica	3 January 1976	Overdue	
72. Japan	21 September 1979	Due on 30 June 2006	
73. Jordan	3 January 1976	Overdue	
74. Kenya	3 January 1976		
75. Kuwait	31 August 1996		
76. Kyrgyzstan	7 January 1995		
77. Latvia	14 July 1992		
78. Lebanon	3 January 1976		
79. Lesotho	9 December 1992		
80. Libyan Arab Jamahiriya	3 January 1976		
81. Liechtenstein	10 March 1999		
82. Lithuania	20 February 1992		

Annex I (*continued*)

State party	*Date of entry into force*	*Third periodic reports* *(Summary records of consideration of reports)*	*Fourth periodic reports*
83. Luxembourg	18 November 1983	E/1994/104/Add.24 (E/C.12/2003/SR.5 and 6)	Due on 30 June 2008
84. Madagascar	3 January 1976		
85. Malawi	22 March 1994		
86. Mali	3 January 1976		
87. Malta	13 December 1990		
88. Mauritius	3 January 1976		
89. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44-46)	
90. Monaco	28 November 1997		
91. Mongolia	3 January 1976	E/1994/104/Add.21 (E/C.12/2000/SR.34-37)	Overdue
92. Morocco	3 August 1979	E/1994/104/Add.29 (Received on 27 October 2004 - pending consideration)	
93. Namibia	28 February 1995		
94. Nepal	14 August 1991		
95. Netherlands	11 March 1979	Overdue	
96. New Zealand	28 March 1979	Due on 30 June 2008	
97. Nicaragua	12 June 1980		
98. Niger	7 June 1986		
99. Nigeria	29 October 1993		
100. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34, 36 and 37)	E/C.12/4/Add.14 (Received on 26 February 2004 - pending consideration)
101. Panama	8 June 1977	Overdue (due on 30 June 2004)	
102. Paraguay	10 September 1992		
103. Peru	28 July 1978		
104. Philippines	3 January 1976		
105. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10-12)	E/C.12/4/Add.9 (E/C.12/2002/SR.33 and 34); fifth periodic report due on 30 June 2007
106. Portugal	31 October 1978	E/1994/104/Add.20 (E/C.12/2000/SR.58-60)	Due on 30 June 2005
107. Republic of Korea	10 July 1990	Due on 30 June 2006	
108. Republic of Moldova	26 March 1993		
109. Romania	3 January 1976	Overdue	
110. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11-14)	E/C.12/4/Add.10 (E/C.12/2003/SR.41-43); fifth periodic report due on 30 June 2008

Annex I (*continued*)

State party	*Date of entry into force*	*Third periodic reports (Summary records of consideration of reports)*	*Fourth periodic reports*
111. Rwanda	3 January 1976		
112. Saint Vincent and the Grenadines	9 February 1982		
113. San Marino	18 January 1986		
114. Senegal	13 May 1978	Overdue	
115. Serbia and Montenegro	12 March 2001		
116. Seychelles	5 August 1982		
117. Sierra Leone	23 November 1996		
118. Slovakia	28 May 1993		
119. Slovenia	6 July 1992		
120. Solomon Islands	17 March 1982		
121. Somalia	24 April 1990		
122. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3 and 5-7)	E/C.12/4/Add.11 (E/C.12/2004/SR.12-14): fifth periodic report due on 30 June 2009
123. Sri Lanka	11 September 1980		
124. Sudan	18 June 1986		
125. Suriname	28 March 1977		
126. Swaziland	26 June 2004		
127. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13, 15 and 16)	E/C.12/4/Add.4 (E/C.12/2001/SR.61 and 62); fifth periodic report due on 30 June 2006
128. Switzerland	18 September 1992		
129. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23 (E/C.12/2001/SR.34-35)	Due on 30 June 2006
130. Tajikistan	4 April 1999		
131. Thailand	5 December 1999		
132. The former Yugoslav Republic of Macedonia	17 September 1991		
133. Timor-Leste	16 July 2003		
134. Togo	24 August 1984		
135. Trinidad and Tobago	8 March 1979	Due on 30 June 2007	
136. Tunisia	3 January 1976	Overdue (due on 30 June 2004)	
137. Turkey	23 December 2003		

Annex I (*continued*)

State party	*Date of entry into force*	*Third periodic reports* *(Summary records of consideration of reports)*	*Fourth periodic reports*
138. Turkmenistan	1 August 1997		
139. Uganda	21 April 1987		
140. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42, 44 and 45)	E/C.12/4/Add.2 (E/C.12/2001/SR.40 and 41); fifth periodic report due on 30 June 2006
141. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/Add.10 (Hong Kong) (E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38)	E/C.12/4/Add.5 (Overseas Dependent Territories); E/C.12/4/Add.7 (Crown Dependencies); E/C.12/4/Add.8 (E/C.12/2002/SR.11-13); fifth periodic report due on 30 June 2007
142. United Republic of Tanzania	11 September 1976		
143. Uruguay	3 January 1976		
144. Uzbekistan	28 December 1995		
145. Venezuela	10 August 1978	Due on 30 June 2006	
146. Viet Nam	24 December 1982		
147. Yemen	9 May 1987		
148. Zambia	10 July 1984		
149. Zimbabwe	13 August 1991		

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* The Committee considered the situation in Kenya, without a report, at its eighth session (3rd meeting). It examined the initial report of Kenya (E/1990/5/Add.17) at its tenth session (12th meeting) and requested the State party to submit a new complete report by the end of 1994.

ANNEX II

Members of the Committee on Economic, Social and Cultural Rights

Name of member	*Country of nationality*	Term expires on 31 December
Mr. Clément ATANGANA	Cameroon	2006
Ms. Rocío BARAHONA-RIERA	Costa Rica	2004
Ms. Virginia BONOAN-DANDAN	Philippines	2006
Ms. Maria Virginia BRAS GOMES	Portugal	2006
Mr. Dumitru CEAUSU	Romania	2004
Mr. Abdessatar GRISSA	Tunisia	2004
Ms. Chokila IYER	India	2006
Mr. Azzouz KERDOUN	Algeria	2006
Mr. Yuri KOLOSOV	Russian Federation	2006
Mr. Giorgio MALINVERNI	Switzerland	2004
Mr. Jaime MARCHÁN ROMERO	Ecuador	2006
Mr. Sergei MARTYNOV	Belarus	2004
Mr. Ariranga Govindasamy PILLAY	Mauritius	2004
Mr. Kenneth Osborne RATTRAY	Jamaica	2004
Mr. Eibe RIEDEL	Germany	2006
Mr. Waleed M. SADI	Jordan	2004
Mr. Philippe TEXIER	France	2004
Mr. Álvaro TIRADO MEJÍA	Colombia	2006

ANNEX III

A. Agenda of the thirty-second session of the Committee on Economic, Social and Cultural Rights (26 April-14 May 2004)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
    (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
    (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.
8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.
9. Miscellaneous matters.

B. Agenda of the thirty-third session of the Committee on Economic, Social and Cultural Rights (8-26 November 2004)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Adoption of the report.

10. Miscellaneous matters.

ANNEX IV

List of general comments adopted by the Committee on Economic, Social and Cultural Rights

The general comments adopted to date by the Committee appear in the following relevant reports:*

No. 1 (1989): on reporting by States parties (third session; E/1989/22-E/C.12/1989/5, annex III);

No. 2 (1990): on international technical assistance measures (article 22 of the Covenant) (fourth session; E/1990/23-E/C.12/1990/3 and Corr.1, annex III);

No. 3 (1990): on the nature of States parties' obligations (article 2, para. 1, of the Covenant) (fifth session; E/1991/23-E/C.12/1990/8 and Corr.1, annex III);

No. 4 (1991): on the right to adequate housing (article 11, para. 1, of the Covenant) (sixth session; E/1992/23-E/C.12/1991/4, annex III);

No. 5 (1994): on persons with disabilities (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex IV);

No. 6 (1995): on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22-E/C.12/1995/18, annex IV);

No. 7 (1997): on the right to adequate housing (article 11, para. 1, of the Covenant): forced evictions (sixteenth session; E/1998/22-E/C.12/1997/10, annex IV);

No. 8 (1997): on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22-E/C.12/1997/10, annex V);

No. 9 (1998): on domestic application of the Covenant (eighteenth session; E/1999/22-E/C.12/1998/26, annex IV);

No. 10 (1998): on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22-E/C.12/1998/26, annex V);

No. 11 (1999): on plans of action for primary education (article 14 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex IV);

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* **Published as *Official Records of the Economic and Social Council*.**

No. 12 (1999): on the right to adequate food (article 11 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex V);

No. 13 (1999): on the right to education (article 13 of the Covenant) (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VI);

No. 14 (2000): on the right to the highest attainable standard of health (article 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/22, annex IV);

No. 15 (2002): on the right to water (articles 11 and 12 of the Covenant) (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex IV).

ANNEX V

List of statements adopted by the Committee on Economic, Social and Cultural Rights

The statements and recommendations, adopted by the Committee to date, appear in its relevant reports:*

1. Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (sixth session; E/1992/23-E/C.12/1991/4, chap. IX);

2. Statement to the World Conference on Human Rights on behalf of the Committee (seventh session; E/1993/22-E/C.12/1992/2, annex III);

3. The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (tenth session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V);

4. Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI);

5. Fourth World Conference on Women: Action for Equality, Development and Peace - Statement by the Committee (twelfth session; E/1996/22-E/C.12/1995/18, annex VI);

6. United Nations Conference on Human Settlements (Habitat II): Statement of the Committee (thirteenth session; E/1996/22-E/C.12/1995/18, annex VIII);

7. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22-E/C.12/1998/26; chap. VI, sect. A, para. 515);

8. Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII);

9. Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (twenty-second session; E/2001/22-E/C.12/2000/21, annex VIII);

10. Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex VII);

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* Published as *Official Records of the Economic and Social Council.*

11. Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6 to 8 June 2001) (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex XI);

12. Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XII);

13. Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XIII);

14. Statement of the Committee to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May-7 June 2002) (twenty-eighth session; E/2003/22-E/C.12/2002/13, annex VI);

15. The Millennium Development Goals and economic, social and cultural rights: joint statement by the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex VII).

ANNEX VI

Days of general discussion held by the Committee on Economic, Social and Cultural Rights

The following issues have been the focus of discussion:

1. The right to food (third session, 1989);
2. The right to housing (fourth session, 1990);
3. Economic and social indicators (sixth session, 1991);
4. The right to take part in cultural life (seventh session, 1992);
5. The rights of the ageing and elderly (eighth session, 1993);
6. The right to health (ninth session, 1993);
7. The role of social safety nets (tenth session, 1994);
8. Human rights education and public information activities (eleventh session, 1994);
9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995);
10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996);
11. Revision of the general guidelines for reporting (sixteenth session, 1997);
12. The normative content of the right to food (seventeenth session, 1997);
13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998);
14. The right to education (nineteenth session, 1998);
15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000);
16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001);
17. Equal right of men and women to the enjoyment of economic, social and cultural rights (article 3 of the Covenant) (twenty-eighth session, 2002);
18. The right to work (article 6 of the Covenant) (thirty-first session, 2003).

ANNEX VII

A. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its thirty-second session

LITHUANIA	*Representative*:	Mr. Rimantas Šadžius Vice-Minister Ministry of Social Security and Labour
	Advisers:	Mr. Algimantas Rimkūnas Ambassador Permanent Representative of Lithuania to the United Nations Office at Geneva
		Mr. Gediminas Radzevičius Director Lithuanian Institute of Agrarian Economics
		Mr. Povilas Vytautas Žiūkas Deputy Director Department of Social Policy Analysis and Forecasting Ministry of Social Security and Labour
		Ms. Regina Klepačienė Head Division of Education Monitoring Ministry of Education and Science
		Mr. Ramunė Guobaitė-Kirslienė Chief Specialist Division of Labour Relations and Remuneration Ministry of Social Security and Labour
		Ms. Ina Kniurienė Chief Specialist International Relations and European Integration Division Ministry of Culture
		Mr. Vygantė Milašiūtė Chief Specialist Department of International Law Ministry of Justice

		Mr. Jurga Kasputienė First Secretary Human Rights and Non-Governmental Organizations Division Ministry of Foreign Affairs
		Ms. Ilona Petrikienė Second Secretary Permanent Mission of Lithuania to the United Nations Office at Geneva
GREECE	*Representative*:	Mr. Eleftherios Karayiannis Ambassador Counsellor for International Relations Ministry of Employment and Social Protection
	Advisers:	Mr. Tassos Kriekoukis Ambassador Permanent Representative Permanent Mission of Greece to the United Nations Office at Geneva
		Mr. Takis Sarris Minister Counsellor Deputy Permanent Representative Permanent Mission of Greece to the United Nations Office at Geneva
		Mr. Andreas Cambitsis Minister Counsellor Permanent Mission of Greece to the United Nations Office at Geneva
		Ms. Vassiliki Moustakatou Head of Section Ministry of the Interior, Public Administration and Decentralization
		Ms. Olga Dritsa-Doshori Head of Section Ministry of National Economy and Finance
		Ms. Ioanna Manganara Expert/Minister-Counsellor Ministry of Foreign Affairs

Mr. Elias Kastanas
Rapporteur at the Legal Department
Ministry of Foreign Affairs

Ms. Matina Koumentakou
Director
General Secretariat for Research
and Technology
Ministry of Development

Mr. Christos Antonopoulos
Head of Section
Ministry of the Environment,
Town Planning and Public Works

Ms. Roi Hourdaki
Head of Section
Ministry of National Education
and Religious Affairs

Ms. Athina Diakoumakou
Head of Section
Ministry of Employment and
Social Protection

Ms. Athina Makri
Second Secretary
Permanent Mission of Greece to the
United Nations Office at Geneva

Mr. Stylianos Garipis
Special Collaborator of the Minister
on Legal Issues
Ministry of Health and Social Solidarity

Ms. Eleni Boulkou
Expert
Ministry of Rural Development and Food

Ms. Sotiria Hatzopoulou
Special Collaborator of the Secretary-General
Ministry of Culture

Mr. Vassilios Konstantopoulos
Police Lieutenant-Colonel
Deputy Director
Ministry of Public Order

Ms. Ioanna Prokaki
Press Attaché
Ministry of Press and Mass Media

Mr. Aggelos Vallianatos
Adviser
Ministry of National Education and
Religious Affairs

Ms. Louisa Kyriakaki
Ministry of the Interior,
Public Administration and
Decentralization

Ms. Evangelia Bagge
Head of Section
General Secretariat for Social Security
Ministry of Employment and
Social Protection

Ms. Stamatia Hatzinikolaou
Director
Ministry of Culture

Mr. Zaharias Spathopoulos
Ministry of Defence

KUWAIT

Representative:

Mr. Dharar A. R. Razzooqi
Ambassador
Permanent Mission of Kuwait to the
United Nations Office at Geneva

Advisers:

Mr. Abdullah Al-Askar
First Secretary
Permanent Mission of Kuwait to the
United Nations Office at Geneva

Mr. Najeeb Al-Bader
First Secretary
Permanent Mission of Kuwait to the
United Nations Office at Geneva

Mr. Nasser Al-Baghli
Attaché
Permanent Mission of Kuwait to the
United Nations Office at Geneva

Mr. Jamal M. F. Al-Dousari
Director
Legal Studies Department
Ministry of Social Affairs and Labour

Mr. Absul Karim A. Al-Khalifi
Director
Department of Public Relations
and Information
Public Authority for Social Security

Mr. Rhased Al-Owaish
Director
Department of Public Health
Ministry of Public Health

Mr. Mohammad Al-Shatti
Deputy Permanent Representative
Kuwait Office to UNESCO

Mr. Mohammad Jasem Hussein
Supervisor
Department of International Relations
Ministry of Justice

Mr. Jamal Al-Raish
Officer
Ministry of the Interior

SPAIN *Representative*: Mr. D. Joaquín Pérez Villanueva y Tovar
Ambassador
Permanent Representative of Spain to the
United Nations Office at Geneva

Advisers: Mr. D. Jaime Cisneros Garcia
Deputy Director-General
Relations with Territorial Administrations
Ministry of Education

Ms. Julia González
Deputy Director-General,
Promotion of Health and Epidemiology
Ministry of Health

Mr. D. Joaquín María de Arístegui Laborde
Adviser on Human Rights
Permanent Mission of Spain to the
United Nations Office at Geneva

Mr. D. Victoriano González
Secretary General of the
General Directorate of Housing,
Architecture and Town Planning
Ministry of Development

Mr. D. José Joaquín Gomá
Technical Adviser
Ministry of the Interior

Mr. D. Aurelio Fernández López
Technical Adviser
Ministry of Labour and Social Affairs

Ms. Lourdes Chamarro Ramos
Adviser
General Secretariat of the National Plan
against AIDS
Ministry of Health

Ms. Carmen Puyó Marin
Sub-Directorate General for
Childhood and the Family
Ministry of Labour and Social Affairs

Ms. Carmen García Ovejas
General Directorate for Social Action,
Minors and the Family
Ministry of Labour and Social Affairs

Ms. Cecilia Paíno
Women's Institute
Ministry of Labour and Social Affairs

Mr. José Francisco González Castro
Counsellor
Ministry of Education

Ms. Milena Costas
Adviser
Human Rights Office
Ministry of External Affairs
and Cooperation

Ms. Margarita de la Rasilla
Expert
Permanent Mission of Spain to the
United Nations Office at Geneva

ECUADOR	*Representative*:	Mr. Patricio Acosta Ministry of Welfare
	Advisers:	Mr. Hernán Escudero Martínez Ambassador Permanent Representative of Ecuador to the United Nations Office at Geneva
		Mr. Luis Pachala Deputy Secretary for Social, Rural and Urban Fringe Development Ministry of Welfare
		Ms. Rocío Rosero Executive Director of the National Council for Women
		Mr. Marcelino Chumpi Executive Secretary of the Council for Nationalities and Peoples of Ecuador
		Mr. Julio Prado Director-General for Human Rights, Social and Environmental Affairs Ministry for Foreign Affairs
		Mr. Rafael Paredes Deputy Permanent Representative of Ecuador to the United Nations Office at Geneva
		Ms. Lotty Andrade Counsellor Permanent Mission of Ecuador to the United Nations Office at Geneva
		Mr. Arturo Cabrera Counsellor Permanent Mission of Ecuador to the United Nations Office at Geneva
		Ms. Leticia Baquerizo Guzmán Third Secretary Permanent Mission of Ecuador to the United Nations Office at Geneva

B. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its thirty-third session

MALTA	*Representative*:	Mr. Saviour F. Borg Ambassador Permanent Representative of Malta to the United Nations Office at Geneva
	Advisers:	Mr. Edward Gatt Director General for the European Union and International Affairs Ministry for the Family and Social Solidarity
		Mr. Raymond Zammit Housing Authority Ministry for the Family and Social Solidarity
		Ms. Miriam Dalmas Principal Medical Officer Department of Health Information Ministry of Health, the Elderly and Community Care
		Mr. Raymond Sarsero Counsellor Permanent Mission of Malta to the United Nations Office at Geneva
		Mr. John Busuttil First Secretary Permanent Mission of Malta to the United Nations Office at Geneva
		Mr. Tony Bonnici Second Secretary Permanent Mission of Malta to the United Nations Office at Geneva
DENMARK	*Representative*:	Mr. Kim Vinthen Deputy Head of Office Ministry of Foreign Affairs
	Advisers:	Ms. Marianne Løwenhaupt Hoffmann Minister Counsellor Ministry of Foreign Affairs

Ms. Marianne Lykke Thomsen
Senior Policy Adviser
Greenland Home Rule Government

Ms. Mette Undall-Behrend
Head of Section
Ministry of Justice

Mr. Frederik Gammeltoft
Head of Section
Ministry of Refugee,
Immigration and Integration Affairs

Ms. Gunvor Barnholt
Chief Adviser
Ministry of Education

Mr. Leo Torp
Head of Section
National Directorate of Labour
Ministry of Employment

Mr. Jes Vilhelmsen
Head of Section
National Labour Market Authority
Ministry of Employment

Mr. Lars Jappe
Senior Adviser
Ministry of Social Affairs

Ms. Sigrid Fleckner
Head of Section
Ministry of Social Affairs

Mr. Michael Braad
First Secretary
Permanent Mission of Denmark to the
United Nations Office at Geneva

Mr. Lars Nielsen
Senior Adviser
National Labour Market Authority
Ministry of Employment

ITALY

Representative:

Mr. Alessandro Fallavollita
Minister Plenipotentiary
Chairman
Interministerial Committee on Human Rights

Advisers:

Mr. Valentino Simonetti
Minister Plenipotentiary
Deputy Permanent Representative of Italy
to the United Nations Office at Geneva

Mr. Marco Conticelli
First Counsellor
Permanent Mission of Italy to the
United Nations Office at Geneva

Mr. Mario Serio
Chief of the Cabinet
Minister of Equal Opportunity

Ms. Isabella Alberti
Senior Officer
Department for Civil Liberties
and Immigration
Ministry of the Interior

Ms. Roberta Capponi
Chief of the Jurisdictional Section
Department for Equal Opportunities

Mr. Luigi Clavarino
Senior Officer
International Affairs
Ministry of Education, University
and Research

Ms. Anna Maria Cutaia
Senior Officer
Department for Social Exclusion
Ministry of the Interior

Mr. Michele Dau
Senior Officer
Department for Human Resources Training
National Council for Economics
and Labour

		Ms. Giorgia Dessi General Directorate for the Protection of Labour Conditions Ministry of Labour and Welfare
		Ms. Giulia Henry General Directorate for Immigration Ministry of Labour and Welfare
		Ms. Colomba Iacontino Senior Officer Department of Innovation Ministry of Health
		Ms. Anna Maria Matarazzo Ministry of Labour and Welfare
		Ms. Isabella Menichini Senior Officer General Directorate for Family, Social Rights and Corporate Social Responsibilities Ministry of Labour and Welfare
		Mr. Claudio Scorretti Permanent Mission of Italy to the United Nations Office at Geneva
AZERBAIJAN	*Representative*:	Mr. Xalaf Xalafov Deputy Minister of Foreign Affairs
	Advisers:	Mr. Elchin Amirbayov Ambassador Extraordinary and Plenipotentiary Permanent Representative of Azerbaijan to the United Nations Office at Geneva
		Mr. Togrul Musayev Deputy Minister of Justice
		Mr. Oruc Zalov Deputy Minister of Internal Affairs
		Ms. Sevda Mammadaliyeva Deputy Minister of Culture

Mr. Elsevar Agayev
Deputy Minister of Health

Mr. Tahir Budagov
Deputy Minister of Labour and
Social Security

Mr. Elmar Qasimov
Deputy Minister of Education

Mr. Intiqam Babayev
Deputy Minister for Youth, Sport
and Tourism

Mr. Samir Valiyev
Head of Administration
Ministry of Economic Development

Mr. Murad Nacafov
Acting Head
International Law and Treaties Department
Ministry of Foreign Affairs

Mr. Ismayil Asadov
Second Secretary
International Law and Treaties Department
Ministry of Foreign Affairs

Mr. Azad Cafarov
Third Secretary
Permanent Mission of Azerbaijan to the
United Nations Office at Geneva

CHILE

Representative:

Ms. Yasna Provoste
Minister of Planning and Cooperation

Advisers:

Mr. Juan Martabit
Ambassador
Permanent Representative of Chile to the
United Nations Office at Geneva

Mr. Juan Eduardo Eguiguren
Deputy Permanent Representative of Chile
to the United Nations Office at Geneva

Ms. Amira Esquivel
Director of Human Rights
Ministry for Foreign Affairs

Mr. Patricio Utreras
First Secretary
Permanent Mission of Chile to the
United Nations Office at Geneva

Mr. Felipe Sáez
Chief of Cabinet of the Under-Secretary
for Labour

Mr. Fernando Muñoz
Ministry of Health

Mr. Jorge Baeza
Ministry of Education

Ms. María de la Luz Silva
National Women's Service

Ms. Andrea Soto
Ministry of Planning and Cooperation

Ms. Loreto Martínez
Ministry of Planning and Cooperation

Ms. Adriana Vergara
Chief of Cabinet of the Ministry of
Planning and Cooperation

Mr. Carlos Aguilar

ANNEX VIII

A. List of documents of the Committee at its thirty-second session

E/1990/5/Add.55	Initial reports submitted by States parties to the Covenant: Lithuania
E/1990/5/Add.56	Idem: Greece
E/1990/5/Add.57	Idem: Kuwait
E/1990/6/Add.36	Second periodic reports submitted by States parties to the Covenant: Ecuador
E/C.12/4/Add.11	Fourth periodic reports by States parties to the Covenant: Spain
E/2004/22-E/C.12/2003/14	Report of the Committee on its thirtieth and thirty-first sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.6	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2003/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2004/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2004/2	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2004/3	Programme of work: note by the Secretary-General

E/C.12/2004/4 and 5	[Symbols not used]
E/C.12/2004/SA/1	Note by the Secretary-General: thirty-third report of the International Labour Organization
E/C.12/2004/L.1	Draft programme of work: note by the Secretary-General
E/C.12/Q/EQU/1	List of issues: Ecuador
E/C.12/Q/ESP/2	Idem: Spain
E/C.12/Q/GRC/1	Idem: Greece
E/C.12/Q/KUW/1/Rev.1	Idem: Kuwait
E/C.12/Q/LITH/1/Rev.1	Idem: Lithuania
E/C.12/1/Add.96	Concluding observations of the Committee: Lithuania
E/C.12/1/Add.97	Idem: Greece
E/C.12/1/Add.98	Idem: Kuwait
E/C.12/1/Add.99	Idem: Spain
E/C.12/1/Add.100	Idem: Ecuador
E/C.12/2004/SR.1-29 and E/C.12/2004/SR.1-29/ Corrigendum	Summary records of the thirty-second session (1st to 29th meetings) of the Committee

B. List of documents of the Committee at its thirty-third session

E/1990/5/Add.58	Initial reports submitted by States parties to the Covenant: Malta
E/1990/6/Add.37	Second periodic reports submitted by States parties to the Covenant: Azerbaijan
E/1994/104/Add.26	Third periodic reports submitted by States parties to the Covenant: Chile
E/C.12/4/Add.12	Fourth periodic reports submitted by States parties to the Covenant: Denmark
E/C.12/4/Add.13	Idem: Italy

E/2004/22-E/C.12/2003/14	Report of the Committee on its thirtieth and thirty-first sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.6	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2003/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2004/6	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2004/7	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2004/8	Comments by States parties on concluding observations: Greece
E/C.12/2004/SA/2	Note by the Secretary-General: thirty-fourth report of the International Labour Organization
E/C.12/2004/L.2	Draft programme of work: note by the Secretary-General
E/C.12/Q/AZE/2	List of issues: Azerbaijan
E/C.12/Q/CHL/1	Idem: Chile
E/C.12/Q/DEN/2	Idem: Denmark
E/C.12/Q/ITA/2	Idem: Italy
E/C.12/Q/MLT/1	Idem: Malta
E/C.12/1/Add.101	Concluding observations of the Committee: Malta

E/C.12/1/Add.102	Idem: Denmark
E/C.12/1/Add.103	Idem: Italy
E/C.12/1/Add.104	Idem: Azerbaijan
E/C.12/1/Add.105 and Corr.1	Idem: Chile
E/C.12/2004/SR.30-56 and E/C.12/2004/SR.30-56/ Corrigendum	Summary records of the thirty-third session (30th to 56th meetings) of the Committee

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